

**ATTACHMENT "3";  
PATTI IGARASHI**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

LUCAS BRUNO III,  
CHRISTOPHER GAHR, FRANK  
ROBERT PAULSON, CHARLES  
TURNER and TOM YOUNG,

Plaintiffs,

vs.

MICHAEL CHERTOFF,  
Secretary, DEPARTMENT  
OF HOMELAND SECURITY,

Defendant.

CIVIL NO.03-00567 DAE/BMK

DEPOSITION OF PATTI M. IGARASHI

Taken on behalf of the Plaintiffs, pursuant to  
Notice, on Tuesday, June 20, 2006, commencing at  
10:55 a.m., at the offices of Michael Jay Green,  
345 Queen Street, Second Floor, Honolulu, Hawaii  
96813.

1 APPEARANCES:

2 For Plaintiffs:

3 MICHAEL JAY GREEN, Esq.  
4 DEBRA A. KAGAWA, Attorney at Law  
5 DENISE HEVICON, Attorney at Law  
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7 For Defendant:

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11  
12 REPORTED BY:

13 Don A. Ross, CSR No. 250  
14 Notary Public, State of Hawaii

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I N D E XEXAMINATION:PAGE

BY MR. GREEN

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EXHIBITS FOR IDENTIFICATION:

Exhibit 1 121  
(Memo to Leong, Lowrey from  
Carvalho, Filbert, 10/17/02)

Exhibit 2 148  
(Bonnie Tanner documents)

Exhibit 3 183  
(Memo to Christopher Gahr from  
Howard Tagamori, 10/25/02)

Exhibit 4 184  
(Lizabeth M. Masuda Affidavit)

1 (Pursuant to Rule 14, of the Rules Governing  
2 Court Reporting in Hawaii, the reporter's  
3 disclosure was made and is attached hereto.)

4 PATTI M. IGARASHI

5 having been called as a witness and being first  
6 duly sworn to tell the truth, the whole truth and  
7 nothing but the truth, was examined and testified  
8 as follows:

9 EXAMINATION

10 BY MR. GREEN.

11 Q. Say your name.

12 A. Patti Igarashi.

13 Q. Spell it for the court reporter,  
14 please.

15 A. P-a-t-t-i, middle initial M,  
16 I-g-a-r-a-s-h-i.

17 Q. What is your current business or  
18 profession?

19 A. I'm a health information tech with the  
20 Maui Memorial Medical Center.

21 Q. How long have you had that position?

22 A. Three years.

23 Q. Have you had any other employment  
24 during those three years?

25 A. No.

1 Q. You've been gone from TSA for three  
2 years?

3 A. Yes.

4 Q. Have you had your deposition taken  
5 before?

6 A. No.

7 Q. You're sure?

8 A. No.

9 Q. Well, this is a deposition. That's a  
10 great start.

11 A deposition is a procedure where  
12 there's a court reporter, generally outside the  
13 setting of a courtroom, and lawyers come together  
14 and they have the right to ask you questions and  
15 you give the best answers you can under oath.

16 And a transcript like the ones that are  
17 on this table are prepared of the questions and  
18 answers and anything the lawyers say. Okay?

19 A. [Nodding Head.]

20 Q. Yes?

21 A. Okay.

22 Q. That's called a deposition.

23 Do you have any memory of ever being  
24 involved in a deposition-type proceeding before  
25 today?

1 A. Yes.

2 Q. And when was that?

3 A. In the eighties or nineties. Got into  
4 a car accident.

5 Q. I see. Were you a witness, plaintiff  
6 or defendant?

7 A. Plaintiff.

8 Q. You sued somebody?

9 A. Yes.

10 Q. And the lawyers for the person who you  
11 sued were taking your deposition?

12 A. Yes.

13 Q. Any other times that you were deposed  
14 or had your deposition taken?

15 A. No.

16 Q. I'm going to go through some of the  
17 rules. And they're actually very important rules  
18 for a deposition. Okay?

19 A. Okay.

20 Q. The first thing is that your answers  
21 are under oath. And that's no different than  
22 whether a -- the court reporter administered the  
23 oath -- whether a judge did or a clerk of the  
24 court.

25 Once you swear to tell the truth, if

1       you don't and someone can prove that your answers  
2       were intentionally false, potentially, you being  
3       at least be investigated or charged for giving a  
4       false statement under oath, which some people  
5       call perjury. You understand that?

6             A.     Yes.

7             Q.     It's really important that you  
8       understand the questions because you're going to  
9       be answering the questions. And if you're giving  
10      an answer thinking that the question I ask means  
11      something other than what it did, you're going to  
12      wind up having a transcript that shows answers  
13      that are not responsive, but it's going to seem  
14      as though you answered the question knowingly.  
15      Okay?

16            A.     Okay.

17            Q.     So if you don't understand the  
18      question, you should tell me "I don't  
19      understand," and I'll try to make it into a form  
20      that you do understand. Okay?

21            A.     Okay.

22            Q.     In depositions, the lawyers are really  
23      not interested in your just purely guessing at an  
24      answer. Okay?

25            A.     Okay.

1           Q.     And if I ask you a question and it  
2           requires you just to really guess, you should  
3           tell me, "You know what, this is just a guess,"  
4           and then we can move on to something else.  
5           Okay?

6           A.     Okay.

7           Q.     But deponents -- and the word they use  
8           for someone that's being deposed is  
9           "deponent" -- deponents are entitled to give  
10          answers based on their education, their  
11          experience, training and knowledge that they may  
12          have gained through life experiences or from a  
13          particular job that they've been involved in over  
14          a number of years.   Okay?

15          A.     Okay.

16          Q.     So that if I ask you a question that  
17          calls for you to give your best answer based on  
18          reasonable beliefs you have based on your work,  
19          let's say, at Wackenhut or TSA, you can do that.  
20          Okay?

21          A.     Okay.

22          Q.     You should allow me to ask the question  
23          and complete my question before you answer so we  
24          don't talk over each other.   Will you do that?

25          A.     Okay.

1 Q. You should answer the question in an  
2 audible way, which means a "yes" or a "no" or  
3 explain your answer as opposed to nodding your  
4 head or things like that because this court  
5 reporter may take down a nod as a "yes" and you  
6 may really mean "no." You understand that?

7 A. Okay.

8 Q. This case looks like it's definitely  
9 going to go to trial, so you'll be testifying  
10 before a federal jury probably sometime in the  
11 first week of August.

12 And the reason I tell you that is  
13 because if you give a different answer in front  
14 of the jury than you give today, under certain  
15 circumstances, the judge will allow me to direct  
16 your attention to what you said today, the  
17 question I asked and the answer you gave under  
18 oath. And if it's different, some jurors may  
19 take a look at you and think that you're changing  
20 your answer intentionally to help yourself or  
21 help your friends who have been sued in this  
22 case. You understand that?

23 A. Yes.

24 Q. A transcript will be prepared of this  
25 deposition. And your lawyer, I'm sure, will go

1 over the transcript with you.

2 And you have the right to make changes  
3 to answers if you so desire. Okay?

4 A. Okay.

5 Q. Some of the changes that you make may  
6 be what lawyers call substantive changes. For  
7 example, if you say "yes" to something today and  
8 you change it to "no" when you review your  
9 transcript, jurors have a right to hear that and  
10 they can determine whether or not there's a  
11 reason why you changed the answer.

12 For example, maybe you don't like what  
13 you said in your deposition or maybe it sounds  
14 kind of bad and you wanted to change it before  
15 you got to court. You understand that?

16 A. Yes.

17 Q. So your lawyer will explain all those  
18 good things to you when he goes over the  
19 deposition with you. Okay?

20 A. Okay.

21 Q. From time to time, your lawyer may make  
22 objections. Sometimes he dozes off and sometimes  
23 he doesn't hear the questions. But if he's alert  
24 and he makes an objection, you should stop  
25 answering immediately and then he will make his

1 objection. You should then -- after he's  
2 finished objecting, you can answer the question  
3 unless he tells you not to answer the question.  
4 And we'll wait to see if that happens. Okay?

5 A. Okay.

6 Q. Have you reviewed any documents to  
7 prepare yourself for this deposition?

8 A. No.

9 Q. He hasn't shown you anything?

10 A. Nothing.

11 Q. Shameful.

12 Have you had a chance to speak with him  
13 before you came in today?

14 A. Yes.

15 Q. How long did you talke to him?

16 A. I got in at about nine.

17 Q. Have you had an opportunity to speak to  
18 anyone else that you would have worked with at  
19 Wackenhut or TSA about this case in the last  
20 thirty days?

21 A. No.

22 Q. Have you read -- you haven't read any  
23 of the depositions that have been taken so far?

24 A. None.

25 Q. Haven't spoken to Todd Imori or any of

1 the other current employees of TSA about this  
2 case?

3 A. No, sir.

4 Q. Are you on any kind of medication or  
5 things that would make it difficult for you to  
6 understand the questions?

7 A. No.

8 Q. Any reason that we can't go on with  
9 this?

10 A. No.

11 Q. Other than the fact that you may not  
12 want to.

13 But is there any physical reason that  
14 you can't?

15 A. No.

16 Q. Where did you go to high school?

17 A. Baldwin.

18 Q. That's on Maui?

19 A. Yes.

20 Q. You a local girl?

21 A. Yes.

22 Q. Born and raised on Maui?

23 A. Yes.

24 Q. Do you have family that lives on Maui?

25 A. Yes.

1 Q. Do you have family living on any of the  
2 other islands?

3 A. Yes.

4 Q. Large family?

5 A. Yes.

6 Q. "Large" to me means maybe twenty or  
7 thirty people that are part of your family.

8 A. Yes.

9 Q. Do you have any Caucasians in your  
10 family?

11 A. Yes.

12 Q. Who would that be?

13 A. My cousin's boyfriend.

14 Q. Are they married?

15 A. No.

16 Q. Do you have anyone that's married in  
17 your family to a male Caucasian?

18 A. Yes. But he's deceased.

19 Q. He died under strange circumstances or  
20 normal circumstances?

21 A. Normal.

22 MR. HELPER: Objection.

23 Vague.

24 Q. BY MR. GREEN: You went to Baldwin.  
25 And did you go on to school after

1       that?

2           A.    Yes.

3           Q.    Where did you go?

4           A.    Cannon's Business College.

5           Q.    What year did you complete that?

6           A.    1979.

7           Q.    And the reason you went there, I guess,  
8       was in hopes that you would get employment in  
9       something related to the business college, what  
10      you learned.

11          A.    Yes.

12          Q.    Were you able to get a job?

13          A.    Yes.

14          Q.    What did you do?

15          A.    I was employed at the police station  
16      doing driver's licensing as a clerk.

17          Q.    What years were those?

18          A.    1979 to '81, maybe.

19          Q.    How much a week were you earning  
20      about? What was the pay scale for that kind of  
21      stuff?

22          A.    Maybe ten dollars an hour.

23          Q.    Were you married at the time?

24          A.    No.

25          Q.    Do you have any children?

1 A. Yes.

2 Q. How many did you have at the time?

3 A. Oh, I'm sorry. At that time, no.

4 Q. You left that job why?

5 A. It was a temporary position only.

6 Q. Where did you go from there?

7 A. The Sheraton Maui Hotel.

8 Q. Doing what?

9 A. Front desk.

10 MR. GREEN: Off the record.

11 (Discussion off the record.)

12 MR. GREEN: Go back on.

13 Q. BY MR. GREEN: What year did you go  
14 work for the hotel?

15 A. 1982 to 19 -- no. I have to...

16 Q. Take your time.

17 A. Early eighties to late nineties.

18 Q. And what were the various positions you  
19 had at the hotel?

20 A. Front desk, accounts receivable,  
21 purchasing and engineering secretary.

22 Q. How much contact did you have with  
23 hotel visitors in your various positions over  
24 there?

25 A. A lot.

1 Q. Front desk, obviously, you saw people  
2 checking in and checking out all the time.

3 A. Yes.

4 Q. Mostly tourists?

5 A. Yes.

6 Q. Mainland tourists?

7 A. Yes.

8 Q. And front desk for how long?

9 A. About a year and a half.

10 Q. Would you say that the employees at the  
11 hotel that you worked with at the front desk and  
12 the other jobs were predominantly local people?

13 MR. HELPER: Objection.

14 Vague.

15 Q. BY MR. GREEN: What he's saying is what  
16 "local people" may mean to you or may mean to  
17 me.

18 Do you have some understanding what the  
19 word "local" means?

20 A. Yes.

21 Q. What does it mean to you?

22 A. Anybody born and raised here or not  
23 being Caucasian.

24 Q. How about someone that was simply  
25 raised here but not born here, would that also

1       qualify?

2               A.     Local.

3               Q.     That would be local.

4                       But it would be someone, whether they  
5       were born and raised here or came here and lived  
6       for a while -- non-Caucasian would be a  
7       definition of "local" to you?

8               A.     Yes.

9               Q.     The work you had after the front desk,  
10       did you have contact with hotel visitors at the  
11       time?

12              A.     No.

13              Q.     So, basically, front desk was really  
14       the most contact you had?

15              A.     Yes.

16              Q.     And did you have any training from the  
17       hotel prior to going to work for them?

18              A.     No.   Training was done after you were  
19       hired.

20              Q.     What kind of training did you get?

21              A.     Telephone, guest services...

22              Q.     Let me make it easier for you.

23                       The training that I think you think I'm  
24       referring to, and correct me if I'm wrong, is  
25       simply training to do the job.   Right?

1 A. Yes.

2 Q. In other words, whatever your job  
3 description was at the front desk, you received  
4 training on how to be more efficient in doing  
5 what you did?

6 A. Yes.

7 Q. Training, I assume -- and maybe I  
8 shouldn't -- but you get some training on how to  
9 interact with visitors?

10 A. Yes.

11 Q. Was there any kind of training that you  
12 had specifically from the hotel that dealt with  
13 the fact that the people that would be visiting,  
14 checking in and staying there would be basically  
15 Mainland people?

16 A. No.

17 Q. Nothing that dealt with ethnicities and  
18 how to treat those people --

19 A. No.

20 Q. -- things like that?

21 A. No.

22 Q. Nothing about how they may expect  
23 things that are different than maybe local  
24 people --

25 A. Yes.

1 Q. -- anything like that?

2 Tell me what you remember about that.

3 A. Back then, a lot of them came over not  
4 realizing that we had buildings.

5 Q. What does that mean?

6 A. Some of them really thought we lived in  
7 grass shacks.

8 Q. I see. That was probably in the  
9 eighties?

10 A. Yes.

11 Q. They got a little bit more educated as  
12 the years went by?

13 A. Yes.

14 Q. Did you have any training, on-the-job  
15 training or from anyone else at the hotel,  
16 regarding conduct that might constitute  
17 discrimination against either co-employees or  
18 visitors?

19 A. Yes.

20 Q. First of all, what were the  
21 circumstances of the training that you received?

22 A. What do you mean by "circumstances of  
23 the training"?

24 Q. Where were you trained?

25 A. At the hotel.

1 Q. Did they have a seminar or a group  
2 meeting or was it one on one? What kind of  
3 training?

4 A. It was groups.

5 Q. And that was shortly after you were  
6 hired?

7 A. Yes.

8 Q. Was there anything in writing they ever  
9 gave you regarding discriminatory practices,  
10 things that should not be done, as opposed to --

11 A. No.

12 Q. -- just the meeting?

13 A. Yes.

14 Q. Do you remember anything that they told  
15 you about conduct that could be considered  
16 discriminatory?

17 A. It was hotel policy calling the guests  
18 by their names, so at the front desk, you're  
19 going to have to remember everybody.

20 Q. I think the question I asked you was  
21 whether you had any training on what conduct  
22 would constitute discrimination.

23 A. No.

24 Q. Did you have any of that?

25 A. No.

1 Q. You worked on how many different shifts  
2 at the hotel on the front desk?

3 A. Two.

4 Q. Do you remember back then whether or  
5 not out of the presence of maybe some of the  
6 guests that you or some of the other people that  
7 worked at the front desk referred to people as  
8 haoles?

9 A. Yes.

10 Q. It happened all the time, right?

11 A. Yes.

12 Q. And I guess to you, perhaps, in growing  
13 up, "haole," did that mean anything derogatory to  
14 you?

15 A. No.

16 Q. It just meant kind of what?

17 A. Light skinned.

18 Q. I mean, you have people that are not  
19 white that can be light skinned, right?

20 A. True.

21 Q. So would that refer to light-skinned  
22 people that were other than Caucasian?

23 A. Yes.

24 Q. And from time to time at the front desk  
25 for the years you were there, you'd get kind of

1       angry at any of the tourists, any of the guests?

2           A.     Yes.

3           Q.     It happens from time to time, right?

4           A.     Yes.

5           Q.     Sometimes they were just plain rude,  
6       right?

7           A.     Yes.

8           Q.     Did you ever growing up, and this is  
9       not just at the hotel, but growing up and maybe  
10      through your first working career, and that's up  
11      through the hotel days, get the impression that  
12      Mainland people kind of look down on local  
13      people?

14          A.     Sometimes.

15          Q.     I mean, maybe that was something that  
16      you discussed with your family sitting around;  
17      they think local people are kind of stupid?

18          A.     Sometimes.

19          Q.     Not as sophisticated as they are?

20          A.     Yes.

21          Q.     Talk down to local people?

22          A.     A little bit.

23          Q.     Sometimes can be cocky or arrogant to  
24      local people?

25          A.     Sometimes.

1 Q. And sometimes people are just plain  
2 rude. Right?

3 A. Sometimes.

4 Q. And I'm going to guess that from time  
5 to time before you left that hotel, you or one of  
6 the other people you worked with used the word  
7 "fucking haole." I'm sure you did that.  
8 Right?

9 A. I don't recall.

10 Q. Well, let's stop for a second.  
11 How far did you go in school after the  
12 business --

13 A. Two years.

14 Q. Let's just stop for a moment and think  
15 about this.

16 You've used the word "fucking haole" in  
17 your lifetime. Right?

18 A. Yes, I have.

19 Q. You've used it many times. Right?

20 A. I could have.

21 Q. Sure. So back then at the hotel,  
22 either you using the word "fucking haole" to  
23 refer to a non-local person who you were angry at  
24 or co-employees in your presence referring to  
25 non-local people, you've heard the word "fucking

1       haole" used before. Right?

2               MR. HELPER: Objection.

3               Assumes facts not in evidence about her  
4 being angry.

5               MR. GREEN: Sorry?

6               MR. HELPER: Assumes facts not in  
7 evidence about her being angry.

8               MR. GREEN: Whatever.

9               Q. BY MR. GREEN: You've heard the term  
10 "fucking haole" used before?

11              A. Yes.

12              Q. This is before you went to work for  
13 Wackenhut or TSA, right?

14              A. Yes.

15              Q. And you used the term, yes?

16              A. Yes.

17              Q. Were you ever trained at the hotel to  
18 report any co-employees who used that term?

19              A. No.

20              Q. Were you ever written up at that hotel  
21 for using derogatory words regarding various  
22 races?

23              A. No.

24              Q. Never counseled for that?

25              A. No.

1 Q. Was there a policy at the hotel to  
2 write up co-employees if they spoke like that?

3 A. No.

4 Q. So, now, you leave the hotel in what  
5 year?

6 A. '96.

7 Q. And what's the reason you leave?

8 A. The hotel closed for renovation.

9 Q. And did you have plans on returning  
10 after renovation or were you going to get another  
11 career?

12 A. I was planning on returning.

13 Q. Did that happen?

14 A. No.

15 Q. Where did you go?

16 A. I went to Aloha Airlines.

17 Q. What did you do there?

18 A. Contract service agent.

19 Q. What does that mean?

20 A. We handle the flights for Aloha's  
21 contracts.

22 Q. First of all, how many years did you do  
23 that?

24 A. Six.

25 Q. Salary about what?

1 A. Seven dollars.

2 Q. Big time, right?

3 A. Yes, sir.

4 Q. When you went to the airlines, they  
5 have written policies and procedures, do they?

6 A. Yes.

7 Q. Kind of a handbook?

8 A. Yes.

9 Q. And did you ever read the handbook?

10 A. Yes.

11 Q. That handbook has a section regarding  
12 discrimination, does it not?

13 A. Yes.

14 Q. Was it your understanding or belief at  
15 the time you went to work for the airlines that  
16 an employer could not refuse to hire you based on  
17 your race, ethnicity, gender, things like that?

18 A. Yes.

19 Q. That you had certain -- did you  
20 believe you had certain constitutional rights  
21 that protected you from that kind of treatment?

22 A. Yes.

23 Q. That you could not be fired for reasons  
24 of ethnicity, age, race, things like that?

25 A. Yes.

1 Q. And there was also a policy, and  
2 correct me if I'm wrong because I could be, that  
3 employees were trained or told that they were not  
4 to discriminate against co-employees or  
5 passengers or customers for race, gender, things  
6 like that. Right?

7 A. Yes.

8 Q. Never to use inappropriate  
9 discriminatory language. Right?

10 A. Yes.

11 Q. Were you trained to report that conduct  
12 if it -- if you heard it?

13 A. [No audible response.]

14 Q. Why are you laughing?

15 A. No.

16 Q. Was that a funny question? Why are you  
17 smiling?

18 A. No.

19 Q. So there was no training that if you  
20 heard a co-employee, for example, referring to a  
21 customer or co-worker as a fucking Jap or a  
22 fucking haole or things like that, no training to  
23 either orally report it to a supervisor or reduce  
24 it to writing, yes?

25 A. None.

1 Q. Did you ever hear co-employees refer to  
2 passengers or co-employees in derogatory racial  
3 ways?

4 A. Yes.

5 MR. HELPER: Object.

6 You're talking about Aloha now?

7 MR. GREEN: Yes, I'm there, buddy.

8 MR. HELPER: Your question was not.

9 MR. GREEN: It was such a good  
10 question. It really was.

11 Q. BY MR. GREEN: So you've heard it from  
12 time to time when you worked at the airlines all  
13 those years, right?

14 A. Yes.

15 Q. I'm just going to guess that you heard  
16 employees refer to each other like that from time  
17 to time. Yes?

18 A. Yes.

19 Q. And sometimes maybe jokingly, in your  
20 mind. Right?

21 A. Yes.

22 Q. "You fucking haole, what are you  
23 doing," things like that, right? Not to be mean  
24 or nasty; just joking?

25 A. Yes.

1 Q. That's how you understood it from time  
2 to time?

3 A. Yes.

4 Q. Or maybe somebody would say, "You  
5 fucking Chinaman" or "You fucking chink" or "You  
6 Filipino" -- things that people might joke about  
7 amongst each other. Right?

8 A. Yes.

9 Q. Then there were times, I'm assuming,  
10 where you actually heard people angry and use  
11 those terms --

12 A. Yes.

13 Q. -- from time to time.

14 Did you ever actually hear an employee  
15 actually say it to a customer?

16 A. Yes.

17 Q. And tell me what you remember about  
18 that.

19 A. They just blew up.

20 Q. They got angry at a customer --

21 A. Yes.

22 Q. -- and referred to them as "fucking  
23 haole"?

24 A. Yes.

25 Q. More than one time?

1 A. Maybe.

2 Q. Any other ethnic -- maybe some other  
3 ethnic comments?

4 A. Yes.

5 Q. And when that happened?

6 First, how did you learn of it, unless  
7 you were actually present and heard it?

8 A. I heard it.

9 Q. And when you heard it, if you know, did  
10 anything happen to that employee regarding  
11 termination, suspension, write-ups, anything like  
12 that that you're aware of?

13 A. I'm not aware of any.

14 Q. Do you remember whether you reported it  
15 to a supervisor?

16 A. I did not.

17 Q. Did you ever while you were working at  
18 the airlines -- were you ever aware of any  
19 employees reporting that kind of conduct,  
20 racially derogatory remarks, to a supervisor --

21 A. No.

22 Q. -- about another employee?

23 A. No.

24 Q. Do you at least have a good-faith  
25 belief today that any of the employees at the

1 airlines were terminated or suspended for using  
2 racially derogatory remarks toward anyone else?

3 A. I don't know.

4 Q. So you leave the airline and you go  
5 where?

6 A. Wackenhut.

7 Q. Wackenhut. It's for Buzzy Chang?

8 A. Yes.

9 Q. Kenny Chang?

10 A. I don't know Kenny.

11 Q. You know Godfrey Ortiz?

12 A. No.

13 Q. When do you go work for Wackenhut?

14 A. I don't know the exact date.

15 Q. Give me your best estimate. I'm not  
16 going to hold you to it.

17 A. 2001.

18 Q. When did Wackenhut start business at  
19 the airport, if you know?

20 A. I don't know.

21 Q. Do you have an idea as far as when you  
22 applied how long they had been there?

23 A. No.

24 Q. And why did you apply?

25 A. Because there was going to be an

1 opening for a checkpoint manager.

2 Q. How did you find that out?

3 A. Mark Warner.

4 Q. Who is he?

5 A. He's with Wackenhut on the Mainland.

6 Q. How were you in contact with him or he  
7 with you?

8 A. Via Fil Carvalho.

9 Q. When you were working for the airline,  
10 did you know Fil Carvalho?

11 A. Yes.

12 Q. How did you know him?

13 A. From working at the checkpoint.

14 Q. Wackenhut checkpoint?

15 A. Yes.

16 Q. I may have misunderstood. I thought  
17 that you learned about the job from this  
18 gentleman on the Mainland through Fil Carvalho.

19 A. Yes.

20 Q. How did that happen?

21 A. We were ground security coordinators  
22 and we did shift work in the checkpoint.

23 Q. Was this for Wackenhut?

24 A. For Aloha Airlines.

25 Q. Tell me a little bit about what your

1       job duties were.

2               A.     We sat there and made sure that they  
3       were adhering to the ground security  
4       coordinator's directives.

5               Q.     That was with the airlines?

6               A.     Yes, sir.

7               Q.     Did you receive training for that job?

8               A.     Yes.

9               Q.     First of all, who gave you the  
10       training?

11              A.     Aloha Airlines corporate office in  
12       Honolulu.

13              Q.     How long was the training?

14              A.     Eight hours once a year.

15              Q.     Once a year.

16                     How were you trained?   What kinds of  
17       things did they teach you?

18              A.     Everything from guest service to  
19       procedures to threats.

20              Q.     First of all, what are procedures?

21              A.     Procedures for the airlines on what to  
22       do.

23              Q.     In what circumstance?

24              A.     If a bomb was on the plane, who would  
25       be called.

1 Q. And you volunteered to go, I assume.  
2 Strike that.

3 If there was a bomb report, what did  
4 that mean? Who would go to report that?

5 A. Yes?

6 A. What about the gate itself -- when I  
7 say "the gate," it's a bad word.

8 Did they have metal detectors in those  
9 days?

10 Were people screened before they were  
11 allowed through?

12 A. No, not at the gate.

13 Q. Was there some kind of screening?

14 A. At the checkpoint.

15 Q. And that's where you were working?

16 A. Yes.

17 Q. And the period of time you worked there  
18 was how long at the checkpoint?

19 A. A couple of months.

20 Q. Was there wandering going on at the  
21 checkpoint at that time?

22 A. Yes.

23 Q. Were you trained in wandering?

24 A. Yes.

25 Q. Was that part of the eight hours?

1 A. Yes.

2 Q. And then you got some on-the-job  
3 training?

4 A. Yes.

5 Q. When did you meet Carvalho?

6 A. While I was at Aloha, he was part of  
7 FAA.

8 Q. Was he superior to you?

9 A. Yeah.

10 Q. In other words, were there times you  
11 would report to him?

12 A. No.

13 Q. But his position, at least in your  
14 mind, was superior to the position you had?

15 A. Yes.

16 Q. How much were you making there?

17 A. At Aloha?

18 Q. When you were at the checkpoint, how  
19 much were you getting?

20 A. Same money.

21 Q. How much did you say?

22 A. Seven-forty-seven.

23 Q. At the checkpoint itself, did you do  
24 wandling?

25 A. No.

1 Q. What exactly did you do?

2 A. Sat there.

3 Q. Doing what?

4 A. Watching.

5 Q. What were you looking for?

6 A. Making sure that every passenger who  
7 alarmed was wanted.

8 Q. And the reason you were trained to do  
9 that?

10 A. Because we were ground security  
11 coordinators for the airlines.

12 Q. And you want to make sure that the  
13 airport is safe for travelers. Right?

14 A. Yes.

15 Q. You want to make sure that no one gets  
16 injured or hurt going into the airport. Right?

17 A. Yes.

18 Q. And were you trained to look for  
19 anything in particular or just if the alarm goes  
20 off, make sure that they're checked?

21 A. And if the ETD went off, we made sure  
22 that someone responded.

23 Q. Tell me what an ETD is.

24 A. It's a little machine that they swipe  
25 and they put it in, and it reads whether there's

1 any explosives on your person.

2 Q. Did you get some training in that  
3 device?

4 A. In Honolulu, yes.

5 Q. We're still talking about with the  
6 airlines now. Right?

7 A. Yes.

8 Q. What training did you get?

9 A. How it was used, what it detected.

10 Q. Were you trained on how to use it?

11 A. Yes.

12 Q. And in the big scheme of things, when  
13 we're talking about an alarm going off when  
14 people go through a checkpoint or wandering people,  
15 were there certain things that, at least based on  
16 your training, you should be more aware of as a  
17 potential danger to the traveling public?

18 A. Yes.

19 Q. What kinds of things?

20 A. When the alarm went off and what we had  
21 to do.

22 Q. "The alarm," being?

23 A. The walk-through metal detector or the  
24 electronic tracing device.

25 Q. Did you notice from time to time that

1       you were there that some people just got plain  
2       angry at the people who were working at the  
3       checkpoint?

4             A.    Yes.

5             Q.    And they were rude from time to time?

6             A.    Yes.

7             Q.    And sometimes just irate?

8             A.    Yes.

9             Q.    Was there some procedure at the  
10       airlines then if there was an out-of-control  
11       passenger, what the protocol would be to try to  
12       calm them down?

13            A.    It would be to call the manager of the  
14       specific airline.

15            Q.    Do you remember who the manager was  
16       back then for Aloha?

17            A.    There were four or five different  
18       ones.

19            Q.    If it was it necessary to have to call  
20       the police or someone that was there, security?

21            A.    Yes.

22            Q.    You called it -- is it "ETD"?

23            A.    Yes.

24            Q.    That is a device that could potentially  
25       alert you and others at security of what

1 potential dangers?

2 A. Explosives.

3 Q. And, basically, what is it telling you,  
4 based on your training?

5 When you just say "explosives," I mean,  
6 what could be a scenario based on your training  
7 where that device might alert or tell you  
8 something may be wrong? What are you looking  
9 for?

10 A. The machine looks for it. You just  
11 respond to the alarm.

12 Q. But based on your training, if the  
13 machine responds, what is it responding to, to  
14 your knowledge?

15 A. Gunpowder, dynamite, any kind of  
16 explosives.

17 Q. Does it mean, based on your training,  
18 that someone may have touched explosives?

19 In other words, if I go through with a  
20 suitcase or a briefcase and the handle responds,  
21 does it mean that there may be an explosive in  
22 the briefcase as opposed to maybe the person  
23 who's carrying the briefcase had recently touched  
24 an explosive? It could be either one of those,  
25 right?

1 A. Both, yes.

2 Q. That sounds to me in the big picture as  
3 a potentially serious thing. Yes?

4 A. Yes.

5 Q. Of course, you knew it was serious back  
6 with Aloha. Right?

7 A. Yes.

8 Q. The training you got for that device  
9 was about how long?

10 A. It was within the eight hours.

11 Q. I mean, it either goes off or doesn't  
12 go off. Right?

13 A. Yes.

14 Q. If it goes off, then what happens?

15 A. You have to call the manager of the  
16 airline.

17 Q. How difficult is it, at least to your  
18 way of thinking, to learn the procedure for using  
19 that device?

20 A. It's not difficult.

21 Q. Pretty simple, right?

22 A. Yes, sir.

23 Q. Someone paying attention, with a brain,  
24 if they get the same kind of training you got,  
25 they should understand how to work the machine.

1 Right?

2 A. Yes.

3 Q. Were you aware of any rule or  
4 regulation that if a security person was unable  
5 to operate or learn that device, it could be  
6 grounds for suspension or a write-up or things  
7 like that?

8 MR. HELPER: Objection.

9 Vague as to time.

10 MR. GREEN: When she was working for  
11 the airlines.

12 MR. HELPER: Okay.

13 THE WITNESS: Yes.

14 Q. BY MR. GREEN: What did you learn?

15 A. They needed to understand how to use  
16 the machine. And it was always the supervisor in  
17 the checkpoint for Wackenhut that handled the  
18 resolution of the alarm.

19 Q. Did you ever meet anybody at that time  
20 in your career that just didn't seem to be able  
21 to know how to use the machine?

22 A. No.

23 Q. During the time that you said -- I may  
24 be thinking of something you said before -- but  
25 you heard derogatory terms back and forth at the

1 checkpoint regarding passengers and  
2 co-employees. Correct?

3 A. Yes.

4 MR. HELPER: Objection.

5 Vague as to the term "derogatory."

6 Move to strike.

7 MR. GREEN: Okay.

8 Q. BY MR. GREEN: You understand what I  
9 meant by "derogatory"?

10 A. Yes.

11 Q. When he says "vague," Ms. Igarashi, it  
12 really doesn't matter if he understands the  
13 question, if it's vague to him.

14 He wants to protect you to make sure  
15 it's not vague to you.

16 So "derogatory" in the sense of the  
17 question was -- "derogatory," to me, is calling  
18 people what I've suggested before, fucking haole,  
19 fucking Jap, fucking something else.

20 You understood that when you answered  
21 the question?

22 A. Yes.

23 Q. So it happened from time to time,  
24 right?

25 A. Yes.

1 Q. So when do you start with Wackenhut?

2 A. The early eighties.

3 Q. Is that something --

4 A. No. I'm sorry. I take that back.

5 2000, late nineties.

6 Q. And the reason you started with them as  
7 opposed to the airlines was?

8 A. I was offered a manager's position.

9 Q. Bigger money, right?

10 A. Yes.

11 Q. Who offered you the job?

12 A. Mark Warner.

13 Q. That's right, the guy from the  
14 Mainland. Right?

15 A. Yes.

16 Q. And that was suggested to you by  
17 Carvalho, right?

18 A. Yes.

19 Q. Were you and he friends back in the  
20 days when you were working security at the  
21 airlines?

22 A. We worked together.

23 Q. How often would you see him?

24 A. Once a month.

25 Q. But would you ever take breaks

1 together?

2 A. No.

3 Q. Ever been to his house?

4 A. No.

5 Q. Has he ever been to your house?

6 A. No.

7 Q. Never went out socially with him?

8 A. No.

9 Q. Were you married at the time?

10 A. Yes.

11 Q. So he says this may be -- words to the  
12 effect -- "This may be a good opportunity for  
13 you. Wackenhut is looking for somebody. Give it  
14 a try." Right?

15 A. Yes.

16 Q. And the pay scale for Wackenhut was  
17 about?

18 A. Eighteen dollars an hour.

19 Q. Almost triple what you were making,  
20 right?

21 A. Yes.

22 Q. So where do you apply?

23 A. At the Wackenhut office in Kahului.

24 Q. And you get the job based on your  
25 application?

1 A. Yes.

2 Q. Did you put down your experience as  
3 security at Aloha Airlines as part of your  
4 application?

5 A. Yes.

6 Q. To your knowledge, were any  
7 write-ups -- what I mean by "write-ups," either  
8 positive or negative -- that you were aware of  
9 while you were working security at the time you  
10 applied for Wackenhut?

11 A. No.

12 Q. So you start with Wackenhut.

13 Was your first place you worked at  
14 Honolulu Airport?

15 A. No.

16 Q. Maui?

17 A. Maui Airport.

18 Q. The security work you did was at Maui  
19 Airport, also?

20 A. Yes.

21 Q. Is that the only airport you ever  
22 worked for doing security?

23 A. Yes.

24 Q. Who was running the airport for  
25 Wackenhut on Maui at the time?

1 A. Buzzy Chang.

2 Q. Who was your immediate supervisor?

3 A. I can't remember his name.

4 Q. Did you have more than one?

5 A. No.

6 Q. What was your title when you began  
7 working?

8 A. Checkpoint manager.

9 Q. What were the duties and  
10 responsibilities of a checkpoint manager?

11 A. Scheduling, monitoring of the  
12 checkpoint employees that they were following the  
13 FAA directives.

14 Q. Tell me what that means.

15 First of all, when you say "employees,"  
16 what would be the jobs of those employees that  
17 you were monitoring?

18 A. Screeners.

19 Q. And a screener means what?

20 A. Someone who screens checkpoint  
21 passengers and their carry-on bags.

22 Q. How do they do that?

23 A. Through the walk-through metal  
24 detector, the hand wand and the ETD.

25 Q. Basically, three functions?

1 A. Yes, sir.

2 Q. I assume if you can't perform any of  
3 those functions, you shouldn't be doing the job.  
4 Right?

5 A. Yes, sir.

6 Q. And, to your knowledge, at Wackenhut,  
7 did those people who were screeners sometimes  
8 alternate positions they would take at the  
9 screening section?

10 In other words, some people would wand,  
11 some people would do the ETD and some people  
12 would do something else?

13 A. Yes.

14 Q. And they would kind of rotate, right?

15 A. Yes.

16 Q. When you went to work for Wackenhut,  
17 was there another handbook that you received that  
18 was different than the airlines?

19 A. Yes.

20 Q. And did that handbook deal with  
21 progressive discipline, if you remember?

22 In other words, if you do something  
23 bad, depending on how bad it is, there could be  
24 progressive discipline?

25 A. No.

1 Q. If you know, did Wackenhut have  
2 counseling for employees that maybe had not  
3 followed a proper procedure or rule?

4 A. I'm not sure.

5 Q. Have you ever been counseled when you  
6 were with Wackenhut?

7 A. Yes.

8 Q. What were you counseled for?

9 A. The scheduling.

10 Q. How were you counseled? What was the  
11 beef?

12 A. That I was scheduling too many  
13 screeners on at one time.

14 Q. What did that mean to you when they  
15 said, "You know what" --

16 A. I was looking at passenger load and  
17 times of the nights and doing my schedule that  
18 way.

19 Q. And they told you that's not right?

20 A. Yes. They wanted me to just divvy it  
21 up.

22 Q. How?

23 A. Three shifts.

24 Q. That's it?

25 A. Yes.

1 Q. How was it that you first learned that  
2 they weren't satisfied with the procedure you  
3 were following? How did you first learn about  
4 that?

5 A. When we turned in our payroll.

6 Q. Who talked to you?

7 A. Buzzy Chang.

8 Q. And was this like a one-on-one thing?

9 A. It was a phone call.

10 Q. And that you deemed that to be  
11 counseling, yes?

12 A. Yeah.

13 Q. Okay. At Wackenhut, aside from  
14 counseling, were there things that maybe were  
15 called write-ups if an employee did something  
16 wrong?

17 A. Yes.

18 Q. What kinds of things would you be  
19 written up for, just based on things you observed  
20 and your years there?

21 MR. HELPER: "You," meaning a generic  
22 employee or --

23 MR. GREEN: Her.

24 MR. HELPER: What kinds of things she  
25 was written up for?

1 MR. GREEN: No. What kinds of things  
2 was she aware of that --

3 THE WITNESS: Not showing up for work.

4 Q. BY MR. GREEN: Was that like a bad  
5 thing?

6 A. Yes.

7 Q. Let's say that you were my supervisor  
8 and you scheduled me to work at three o'clock on  
9 a Saturday and I'm playing golf, I just don't  
10 show up. What happens, based on your experience  
11 at Wackenhut?

12 A. You were talked to.

13 Q. By who?

14 A. Myself.

15 Q. Were there things at Wackenhut that  
16 were zero-tolerance things, as far as you know?

17 And that means to me if you do it,  
18 you're out.

19 A. Theft.

20 Q. That's not a good thing, right?

21 A. No.

22 Q. You steal and get caught, even if you  
23 want to pay the money back, you're out?

24 A. Yes.

25 Q. What about things like falling asleep

1 on the job?

2 A. I didn't incur any of that.

3 Q. No, no. You look like you're wide  
4 awake to me.

5 But I'm just saying, were you ever  
6 aware of an employee that fell asleep when they  
7 were supposed to be at a checkpoint or check  
8 area?

9 A. No.

10 Q. Did you have some understanding, based  
11 on your training or experience there, you fall  
12 asleep, you're getting fired as opposed to a  
13 write-up or something like that?

14 A. I'm sure you'd be written up.

15 Q. The write-up procedure at Wackenhut, if  
16 you were written up, how would you know you were  
17 written up?

18 In other words, was there a procedure  
19 where somebody would give you a copy of the  
20 write-up or say, "You know what, Patti, you've  
21 been written up for various things"?

22 A. You would be given a copy.

23 Q. That was your understanding as to the  
24 procedure at Wackenhut?

25 A. Yes.

1 Q. And the procedure, I guess, and correct  
2 me if I'm wrong, at least in your mind, people  
3 would get a copy so they could do better next  
4 time. Right?

5 A. Yes.

6 Q. If you're written up, you know what you  
7 did wrong and you can try to straighten it out.  
8 Right?

9 A. Yes.

10 Q. So we have the counseling where you  
11 know you should change your behavior or  
12 procedures. Yes?

13 A. Yes.

14 Q. We have write-ups that you were to get  
15 copies of so you could be a better employee.  
16 Right?

17 A. Yes.

18 Q. And then sometimes were there  
19 suspensions?

20 A. Yes.

21 Q. Were you ever suspended --

22 A. No.

23 Q. -- at Wackenhut?

24 How many write-ups were you aware that  
25 you got, if any?

1 A. One.

2 Q. That wasn't the scheduling.

3 What was that for?

4 A. That was the scheduling.

5 Q. So he spoke to you on the phone and he  
6 wrote you up?

7 A. Yes.

8 Q. Ever use the word "fucking haole" when  
9 you were working at Wackenhut?

10 A. Yes.

11 Q. For passengers sometimes?

12 A. Yes.

13 Q. Co-employees sometimes?

14 A. Yes.

15 Q. When you use -- how long did you work  
16 at Wackenhut?

17 A. A year.

18 Q. So you maybe used it a couple dozen  
19 times, more or less?

20 A. I don't know.

21 Q. But it was more than once, yes?

22 A. Could be.

23 Q. And the area where it could be, would  
24 that have been in the checkpoint area where you  
25 were telling me about?

1 A. No.

2 Q. Where would that have been?

3 A. While I was at Wackenhut?

4 Q. Yeah, when you said "fucking haole."

5 A. Outside on my break.

6 Q. Who would you say it to?

7 A. Probably a tourist that was getting  
8 upset. I didn't say it to him.

9 Q. You would say it about him?

10 A. Yes.

11 Q. Did anybody ever write you up, to your  
12 knowledge?

13 A. No.

14 Q. Did any supervisor ever discourage you  
15 from using that language?

16 A. No.

17 Q. No co-employee told you, "You know  
18 what, Patti, you shouldn't talk like that"?

19 A. No.

20 MR. GREEN: Off the record.

21 (Discussion off the record.)

22 (Recess taken.)

23 MR. GREEN: Regarding Ms. Igarashi, in  
24 answers to interrogatories --

25 MR. HELPER: Are we on the record?

1 MR. GREEN: Yes, we're on the record.

2 This is Defendant Michael Chertoff's  
3 response to plaintiffs' first request for answers  
4 and for production of documents and/or things.

5 Number 8, the question is [Reading]:

6 "Copies of all complaints made or  
7 reported against Patti Igarashi during  
8 her employment with TSA and  
9 documentation of any and all action  
10 taken in response to said complaints,  
11 including, but not limited to,  
12 disciplinary action against  
13 Ms. Igarashi."

14 The answer is [Reading]:

15 "Documents responsive to this request  
16 will be produced shortly."

17 We have not gotten those.

18 And I want to know whether you have  
19 checked and they do not exist or they're still  
20 outstanding.

21 MR. HELPER: I'm sure they exist. I'm  
22 sure we have a file someplace that can be  
23 provided.

24 MR. GREEN: This deposition will not  
25 end until we get that information.

1 MR. HELPER: Well, certainly --

2 MR. GREEN: If it has to be continued,  
3 it will be continued.

4 MR. HELPER: This is the first I heard  
5 that that was a condition precedent to the  
6 deposition going forward.

7 And I object to this deposition being  
8 called back.

9 MR. GREEN: You can say that. But I  
10 have no intention of completing this deposition.

11 [Cell phone rings.]

12 I'm not taking any calls. Turn it  
13 off.

14 MR. HELPER: Counsel, I would ask that  
15 you complete all other areas of the deposition so  
16 that area is segregated in case you don't get  
17 what you want.

18 Q. BY MR. GREEN: Ms. Igarashi, did you  
19 receive a handbook from Wackenhut when you went  
20 to work there?

21 A. Yes.

22 Q. And did that handbook, if you know,  
23 define certain rule infractions and corresponding  
24 discipline for those infractions?

25 A. No.

1 Q. Did you get a handbook from TSA when  
2 you went to work for them?

3 A. No.

4 Q. They have no handbook or you didn't get  
5 one?

6 A. I don't recall one.

7 MR. GREEN: Let me just say, if there  
8 is a handbook, I would also need to have a copy  
9 of that before I complete this deposition.

10 MR. HELPER: I think we produced  
11 employee training materials, but I don't know  
12 whether it included a handbook.

13 MR. GREEN: Could you read my last  
14 question, please.

15 (Record read by the reporter.)

16 Q. BY MR. GREEN: Were you ever told by  
17 anyone at Wackenhut that matters that dealt with  
18 discriminatory remarks such as "fucking haole" or  
19 derogatory comments about other races should not  
20 be reduced to writing, but should be kept  
21 in-house?

22 A. No.

23 Q. Does the word "in-house" have any  
24 meaning to you, the word I used?

25 A. In the office?

1 Q. Yeah. And do you know whether there  
2 was a procedure if racially derogatory remarks  
3 were made and write-ups followed, that it would  
4 be reported to Washington or someone out of the  
5 state of Hawaii?

6 MR. HELPER: At Wackenhut?

7 Q. BY MR. GREEN: At Wackenhut.

8 A. No.

9 Q. If there was something written up  
10 regarding derogatory racial remarks, was it  
11 reported to Buzzy Chang or someone above him who  
12 owned or operated Wackenhut?

13 A. No.

14 Q. Who are some of the other people that  
15 you worked with on your shifts for Wackenhut,  
16 some of the other co-employees that you worked  
17 with.

18 A. [No audible response.]

19 Q. Do you just remember some of the  
20 names?

21 A. Evelyn Silva; Jarrad Kohanohano; Mailyn  
22 Potter; Kathy Kuloya; Denise Vogel.

23 Q. Do you know Pat Collins?

24 A. Yes.

25 Q. Did he work with you at Wackenhut?

1 A. Yes.

2 Q. Did you ever hear him use the word  
3 "fucking haole"?

4 A. Yes.

5 Q. He used it a lot, didn't he?

6 A. Yes.

7 Q. Referring to co-workers from time to  
8 time?

9 A. No.

10 Q. Referring to passengers from time to  
11 time?

12 A. Yes.

13 Q. He said it -- where was he actually at  
14 the times you heard him say it?

15 A. I don't recall.

16 Q. Would it have been while he was  
17 working, like at a checkpoint?

18 A. No. Probably outside on a break.

19 Q. Were you ever aware of him being  
20 disciplined for that?

21 A. No.

22 Q. This is Wackenhut, you understand. I'm  
23 talking about Wackenhut.

24 A. Wackenhut, no, never.

25 Q. You didn't work with him at Wackenhut?

1           A.    No.  I did work with him at Wackenhut.  
2    I didn't discipline him.

3           Q.    But he did use the word "fucking  
4    haole"?

5           A.    Yes.

6           Q.    He mentioned in his deposition that  
7    there were times in his life he used the word  
8    "nigger."

9                   Have you ever heard him use that word  
10   when he was at Wackenhut?

11          A.    No.

12          Q.    He said he's used the word in the past  
13   referring to Japanese sometimes as "fucking Japs"  
14   or "Japs."

15                 Did you ever hear him use that word?

16          A.    Yes.

17          Q.    And that would be at Wackenhut, right?

18          A.    Yes.

19          Q.    What were the circumstances that you  
20   heard him use that term?

21          A.    Just out of conversation.

22          Q.    Referring to passengers, if you know?

23          A.    I don't recall.  It was usually just  
24   conversation.

25          Q.    But he used the word "Jap"?

1 A. Yes.

2 Q. What about the word "chink"?

3 He said he used --

4 A. Never heard that.

5 Q. And the years that he was working with  
6 you at Wackenhut would have been what years?

7 A. That one year that I was there. I  
8 don't know the exact date.

9 Q. 2000?

10 A. I think we're in the 2000's.

11 Q. He said he's used the word "gook" in  
12 his lifetime.

13 Did you ever hear --

14 A. No.

15 Q. Do you know what a kike is?

16 A. No.

17 Q. "Kike" is a derogatory word for a  
18 Jewish person, like "nigger" would be for an  
19 Afro-American.

20 Ever hear him use that term?

21 A. No.

22 Q. So you then transfer or apply for TSA.  
23 Is that right?

24 A. Yes.

25 Q. When you were -- before I go on to

1 TSA, do you know Kristi Joslin?

2 A. Yes.

3 Q. Did she work for Wackenhut?

4 A. Yes.

5 Q. During the time you were there?

6 A. Yes.

7 Q. Did you ever write her up?

8 A. Yes.

9 Q. What kinds of things?

10 A. Not showing up for work.

11 Q. She didn't show up lots of times, did  
12 she?

13 A. Yeah.

14 Q. That was considered, I guess, to be  
15 something that would not be tolerated.

16 A. Yes.

17 Q. Do you know if she was disciplined at  
18 Wackenhut for not showing up to work?

19 A. Yes, she was.

20 Q. She worked with you always at TSA,  
21 right?

22 A. Yes.

23 Q. Didn't show up lots of times there,  
24 also, did she?

25 A. Yes.

1 Q. Do you know Bonnie Tanner?

2 A. Yes.

3 Q. She worked with you at Wackenhut?

4 A. No.

5 Q. Just TSA?

6 A. Yes.

7 Q. Before I forget the question, Bonnie  
8 Tanner, her ethnicity, as far as you know, is  
9 what?

10 A. Japanese.

11 Q. Do you know whether she was born or  
12 raised on --

13 A. I don't know.

14 Q. Kristi Joslin, what's her ethnic  
15 background?

16 A. She's local.

17 Q. Local girl.

18 So now you apply for TSA.

19 And your best memory of when you began  
20 was when?

21 A. Early 2000.

22 Q. "Early" means what?

23 A. '99 -- 2000 -- I take that back. Late  
24 nineties.

25 Q. Until how long?

1 A. For a year. Maybe '98 to '99.

2 Q. You only worked for TSA for one year?

3 A. I'm sorry. Not TSA. Wackenhut.

4 Q. Let's go to TSA. How long did you work  
5 there?

6 A. Eighteen months.

7 Q. And the reason you went over to TSA  
8 what was what?

9 A. Because the checkpoint was being turned  
10 over from private contractor to TSA.

11 Q. Was the pay scale about the same?

12 A. No.

13 Q. Was it more or less?

14 A. Way more.

15 Q. How much is "way more"?

16 A. I don't know. Forty-five thousand  
17 dollars a year.

18 Q. As opposed to?

19 A. Eighteen dollars an hour.

20 Q. But at least in your mind, it was  
21 substantially more?

22 A. Yes.

23 Q. And the reason you applied was in part  
24 salary. And any other reason?

25 A. To get into the federal government

1 system.

2 Q. Why did you want to do that?

3 A. For my retirement.

4 Q. And when you applied, can you think of  
5 the names of any other people that were already  
6 at TSA that you had worked with at Wackenhut that  
7 were already there at TSA when you actually went  
8 over to TSA?

9 A. None, no.

10 Q. Were there people that came over with  
11 you?

12 A. No.

13 Q. Pat Collins, did he come to TSA before  
14 or after you?

15 A. After.

16 Q. How much after?

17 A. About four months.

18 Q. And he worked with you about what,  
19 fourteen months?

20 A. Yes.

21 Q. And his conduct regarding "fucking  
22 haole" and saying things like that or "fucking  
23 Japs" was the same as it was at Wackenhut, wasn't  
24 it? He said the same things?

25 A. Yes.

1 Q. When you went to work for TSA, did you  
2 have some kind of training before you actually  
3 began?

4 A. No.

5 Q. Was there like a general briefing for  
6 all new employees where you'd be in a room and  
7 supervisors would basically tell you about your  
8 job?

9 A. For me or the employees as screeners?

10 Q. The screeners.

11 A. No.

12 Q. You never met with a group of people  
13 with new employees where they discussed job  
14 description or conduct that was acceptable or not  
15 acceptable?

16 A. For just me?

17 Q. You could have been part of the group  
18 they were talking to.

19 A. Yes, there was.

20 Q. Where was that?

21 A. Up in the meeting room of Hawaiian  
22 Airlines.

23 Q. Who conducted that meeting?

24 A. Fil.

25 Q. Fil who?

1 A. Carvalho.

2 Q. The same Fil Carvalho who suggested you  
3 apply for work at Wackenhut?

4 A. Yes, sir.

5 Q. And what did you understand his job  
6 title to be when you were at TSA?

7 A. He was working with FAA.

8 Q. And what basically did he go over as?

9 A. I'm sorry. When he was at TSA?

10 Q. Yes.

11 A. He was -- I don't know his exact  
12 title. I'm sorry.

13 Q. That's okay.

14 Did you believe him to be a superior to  
15 you?

16 A. Yes.

17 Q. Who were your immediate superiors when  
18 you worked there?

19 A. Bobby Au.

20 Q. Bobby Au came from the federal  
21 government?

22 A. No. Bobby Au was with the Honolulu  
23 Police Department.

24 Q. What was his job title as you knew it  
25 to be?

1           A.    He was assistant federal security  
2 director, screening.

3           Q.    What did that actually mean?

4           A.    He was my boss.

5           Q.    I'm sorry. Your actual job  
6 description, your title was what?

7           A.    Screening manager.

8           Q.    What is the function of a screening  
9 manager?

10          A.    To monitor the checkpoint.

11          Q.    Which would mean --

12          A.    And the screening functions.

13          Q.    Which would mean you would monitor  
14 certain employees, yes?

15          A.    Yes.

16          Q.    And the people that were subordinate to  
17 you during your time there would be who, the  
18 people you would be watching and monitoring?

19          A.    The supervisors, leads and screeners.

20          Q.    The supervisors were who?

21          A.    Rusty Harlan, Angela Williams, Dave  
22 Gordon, Debbie Daily. And that's all I remember.

23          Q.    And below the supervisors that you  
24 managed, who would some of those people be?

25          A.    Those were the leads.

1 Q. Hold it. What does "lead" mean?

2 A. They -- there are supervisors who  
3 monitor the checkpoint and the leads. There are  
4 leads that monitor groups of the screeners.

5 Q. Monitor in what way?

6 A. Making sure everybody gets breaks, fed  
7 and is doing the screening functions as noted.

8 Q. Were you trained by Mr. Carvalho or  
9 anyone else as to what conduct that you observed  
10 among the co-employees, either people above you,  
11 equal to you or below you, that should be  
12 reported?

13 A. No.

14 Q. In other words, written up. Never told  
15 things that should be written up or not written  
16 up?

17 A. By Fil.

18 Q. Yes.

19 A. Yes.

20 Q. What kinds of things did he tell you?  
21 We're talking about things that should be written  
22 up that you observed.

23 A. That I needed to watch the wandering  
24 process and the amount of people that were being  
25 wandered at the same time.

1 Q. And your understanding as to why you  
2 were supposed to do that?

3 A. So that they could be retrained and it  
4 made known to them what they were doing wrong.

5 Q. So that if you saw something that was  
6 being done wrong, what were you trained to do  
7 when you made those observations?

8 A. Talk to the supervisor and have them  
9 make the correction and necessary retraining.

10 Q. And the kinds of things that they might  
11 be doing wrong would be what?

12 A. Improper wandering.

13 Q. Yes.

14 A. Cross-gender wandering.

15 Q. What does that mean?

16 A. We had to be wanded gender to gender.  
17 But in the very beginning, we didn't have enough  
18 females to male ratios, so sometimes a female had  
19 to wand a man and sometimes a man had to wand a  
20 woman.

21 Q. Anything else? Any infractions that  
22 should be reported so people can actually get  
23 some guidance or training so they do it properly  
24 the next time? Anything else you can think of?

25 A. That's all.

1           Q.    What about this ETD thing, did you see  
2           anything at the airport that you can recall with  
3           TSA where people responsible to perform that  
4           function just weren't able to do it?

5           A.    No.

6           Q.    People falling asleep at the job at  
7           TSA, did you ever see that happen?

8           A.    No.

9           Q.    You're sure, now?

10          A.    I don't remember anyone falling  
11          asleep.

12          Q.    Never remember writing anybody up for  
13          that?

14          A.    Don't recall.

15          Q.    Do you ever remember writing up anyone  
16          when you worked as a -- whatever your job title  
17          was at TSA?

18          A.    Yes.

19          Q.    Who did you write up?

20          A.    We wrote up a lot of people.

21          Q.    Give me some names.

22          A.    I can't give you names. I don't recall  
23          exactly.

24          Q.    Male and female?

25          A.    Yes.

1 Q. How many were Mainland white people as  
2 opposed to local people? Can you give me an idea  
3 what the percentage would be?

4 A. I can't give you a percentage on that.

5 Q. Were there certain infractions or  
6 violations or procedures you were trained about  
7 that would be more -- the violations of those  
8 would be more important than others?

9 Does that make any sense to you, that  
10 question?

11 A. No, it doesn't.

12 Q. In other words, if you saw an employee  
13 at TSA asleep on the job as opposed to someone  
14 who left their work area unclean, were you  
15 trained that certain things you had to be more  
16 diligent about reporting or counseling on as  
17 opposed to others?

18 A. Yes. Sleeping would be worse than  
19 cleaning.

20 Q. Right. And not being able to work the  
21 ETD properly would probably be worse than  
22 cleaning up your area. Right?

23 A. Yes.

24 Q. Did you see people lose their temper at  
25 passengers from time to time?

1 A. Yes.

2 Q. Do you remember the names of any of  
3 those people --

4 A. No.

5 Q. -- just offhand?

6 Did you ever hear any TSA employees  
7 swear at a passenger, curse at them?

8 A. Yes.

9 Q. Are you aware -- that happened more  
10 than one time, I assume. Right?

11 A. I'm sure.

12 Q. Maybe happened periodically each week  
13 or --

14 MR. HELPER: You're talking about her  
15 personal knowledge that saw?

16 MR. GREEN: Yeah.

17 THE WITNESS: No.

18 Q. BY MR. GREEN: Had you heard about it?

19 A. Yes.

20 Q. Are you aware of anyone that was fired  
21 for snapping or cursing at a passenger?

22 A. No.

23 Q. Are you aware of anyone that was ever  
24 written up, suspended or fired for using the word  
25 "fucking haole" or other derogatory racial

1       remark?

2           A.     No.

3           Q.     How many times when you were at the  
4       airport did the airport have to be closed down,  
5       if ever, because of a breach of security?

6           A.     Two or three times.

7           Q.     And do you remember the circumstances  
8       as to why that happened?

9           A.     The ETD went off and we didn't resolve  
10       it soon enough.

11          Q.     Tell me what that means.

12          A.     The alarm went off, but the bag was  
13       already gone. The screener didn't catch it.

14          Q.     How does that happen?

15                 For some reason, the screener is  
16       unaware that the alarm went off, and the  
17       passenger just goes on their way?

18          A.     Their bag is handed back before the  
19       alarm resolves itself.

20          Q.     And the passenger is in the airport?

21          A.     Yes.

22          Q.     Which, obviously, there are inferences  
23       of all kinds of bad things that could happen?

24          A.     Yes.

25          Q.     Are you aware of any particular

1 employee where that occurred?

2 A. No.

3 Q. Do you know of any employee that was  
4 fired for that reason?

5 A. No.

6 Q. Do you know what happened?

7 A. To who?

8 Q. That the ETD alarm went off and the  
9 passenger got into the airport. Yes?

10 A. Yes.

11 Q. Were you ever there working in that  
12 area when it happened and it was missed by  
13 somebody?

14 A. Yes.

15 Q. To your knowledge, whoever missed it,  
16 that person could be identified as the person who  
17 is responsible, yes?

18 A. Yes.

19 Q. And that person, to your knowledge, was  
20 not terminated for making that mistake on one  
21 occasion?

22 A. No.

23 Q. Were you ever, to your knowledge, given  
24 a copy of a complaint or write-up made against  
25 you with the TSA?

1 A. No.

2 Q. Was your personnel file ever shown to  
3 you at any time before you were terminated or you  
4 quit?

5 A. No.

6 Q. Ever spoken to or counseled while you  
7 were with TSA for any reason?

8 A. Yes.

9 Q. Who counseled you?

10 A. Howard Tagamori, Fil Carvalho, Robert  
11 Au.

12 Q. Were there any complaints that you were  
13 aware of that were made about you or against  
14 you?

15 A. Yes.

16 Q. Any complaints that deal with you being  
17 a racist?

18 A. Yes.

19 Q. Who made those complaints.

20 A. Joanne and Everette Reinhardt, Susan --

21 Q. The Reinhardts are husband and wife?

22 A. Yes.

23 Q. They're Mainland Caucasians, aren't  
24 they?

25 A. I don't know.

1 Q. They certainly were Caucasian, right?

2 A. Yes.

3 Q. And you tell me, I guess, that in your  
4 discussions about the Reinhardts, if you had  
5 them, with co-employees, there was no discussion  
6 about them being from the Mainland?

7 A. No, never.

8 Q. Never talked to them as to where they  
9 grew up or went to school?

10 A. No, sir.

11 Q. They complained about you, to your  
12 knowledge, in what regard?

13 A. They made a phone call.

14 Q. To who?

15 A. Someone in Washington.

16 Q. And said what about you, to your  
17 knowledge?

18 A. That I didn't like haoles.

19 Q. Did they also say you referred to them  
20 from time to time as "fucking haoles"?

21 A. Not to my knowledge.

22 Q. Anyone else that you're aware of that  
23 made a complaint about you being a racist besides  
24 the Reinhardts?

25 A. Susan Bowles, maybe.

1 Q. Sews Bowles is a Caucasian?

2 A. Yes.

3 Q. If you know, was she raised or educated  
4 on the Mainland as opposed to --

5 A. I don't know.

6 Q. How did you learn about this  
7 complaint?

8 A. Via Lowrey Leong.

9 Q. Let's start -- let me go back to the  
10 Reinhardts.

11 If you worked at TSA for eighteen  
12 months, how long had the Reinhardts, to your  
13 knowledge, been working at TSA before they called  
14 Washington?

15 A. A week.

16 Q. Do you have any reason to believe they  
17 didn't like you before they called Washington?

18 A. Yes.

19 Q. What was the reason you think they  
20 didn't like you?

21 MR. HELPER: Objection.

22 Calls for speculation.

23 MR. GREEN: If she has an opinion, she  
24 can give it.

25 Q. BY MR. GREEN: Go ahead.

1 MR. HELPER: Go ahead.

2 THE WITNESS: They didn't seem as --  
3 when I tried to talk to them, they were very  
4 aloof and --

5 Q. BY MR. GREEN: Just like you said --  
6 go ahead.

7 A. They didn't care what I had to say.

8 Q. Just like you said you've noticed at  
9 the hotel you worked at and the airport, there  
10 were certain Mainland Caucasians that you  
11 believed looked down at local people. Right?

12 A. Yes.

13 Q. And this happened to be a couple that  
14 you believed looked down at you. Right?

15 A. Yes.

16 Q. And that's the reason you called them  
17 "fucking haoles"?

18 A. I did not call them that.

19 Q. Did you ever refer to either one of  
20 them as "a fucking haole"?

21 A. No.

22 Q. Did you ever call any employee "a  
23 fucking haole"?

24 A. No.

25 Q. You're sure about that, right?

1           A.    I may have said the word, but I didn't  
2    pertain it to anyone in particular.

3           Q.    Just "fucking haoles" in general?

4           A.    Yes.

5           Q.    So the Reinhardts were there about a  
6    week.

7                   Did they work together on the same  
8    shift, if you know?

9           A.    Yes.

10          Q.    So you referred to them as "fucking  
11   haoles," but not necessarily to their face?

12          A.    I didn't refer to them as "fucking  
13   haoles."

14          Q.    How did you learn about this call to  
15   Washington?

16          A.    Lowrey Leong called me into his  
17   office.

18          Q.    And said what?

19          A.    He read me everything.

20          Q.    What does that mean?

21          A.    Told me off.

22          Q.    You had been at TSA how long?

23          A.    About a month.

24          Q.    But you used the word "fucking haoles"  
25   after he read you off, right?

1 A. Yes.

2 Q. And, I guess, hoped that you wouldn't  
3 get caught. Right?

4 MR. HELPER: Objection.

5 Assumes facts not in evidence.

6 Q. BY MR. GREEN: Did you hope you  
7 wouldn't get caught when you used the term  
8 again? Or reported is maybe a better word.

9 A. Maybe I just say it.

10 Q. Maybe it's just part of the way you  
11 are. Right?

12 A. Could be.

13 Q. Now, what did he tell you?

14 Stop for a minute.

15 When he read you off, what did he say  
16 to you?

17 A. He told me off.

18 Q. What does that mean?

19 A. He yelled at me.

20 Q. I got that, but I haven't --

21 A. He yelled and yelled about if I had  
22 said that, I better stop. If I didn't stop, I'd  
23 be fired.

24 Q. Never written up, to your knowledge,  
25 about that, though, were you?

1 A. Probably was. Never saw it.

2 Q. You don't know whether you were or you  
3 were not, right?

4 A. I don't know.

5 Q. And there was another person you said  
6 that complained about you being a racist. Who  
7 was that?

8 A. Susan Bowles.

9 Q. What was her job?

10 First of all, what were the Reinhardts'  
11 jobs?

12 A. Screeners.

13 Q. How long did they last?

14 A. They're still there.

15 Q. Good.

16 And this other lady, what was her job  
17 description?

18 A. Screener.

19 Q. And you have some information that she  
20 complained about you being a racist?

21 A. Same kind of call that the Reinhardts  
22 made.

23 Q. That you were what?

24 A. That I didn't like haoles.

25 Q. And your understanding is she made a

1 call to Washington?

2 A. She called someone.

3 Q. How did you learn that?

4 A. Lowrey Leong.

5 Q. How did you find out from Mr. Lowrey  
6 Leong that she made this phone call?

7 A. Got called in the office.

8 Q. Was this before or after the  
9 Reinhardts?

10 A. After.

11 Q. The first person who read you the riot  
12 act was who?

13 A. Lowrey.

14 Q. I'm sorry. The supervisor who was  
15 yelling at you, "Don't ever do it again or you'll  
16 be fired."

17 A. Lowrey.

18 Q. And then he calls you in again?

19 A. And he tells me the same thing again.

20 Q. But I guess he didn't keep his promise  
21 to you and fire you.

22 A. Oh, he did keep his promise.

23 Q. Were you fired because of that?

24 A. Yeah, I guess.

25 Q. Well, don't guess.

1                   Were you fired because they said you  
2                   were a racist?

3                   A.     No.

4                   Q.     So when he told you "If you say it  
5                   again, you're going to be fired" he told you it  
6                   was reported you said it again, and he didn't  
7                   fire you. Isn't that what happened?

8                   MR. HELPER:  Objection.

9                   Assumes facts not in evidence, saying  
10                  it.

11                  MR. GREEN:  You lost me.

12                  MR. HELPER:  You're assuming facts not  
13                  in evidence about what he said to her.

14                  MR. GREEN:  She's already told me what  
15                  he said.

16                  MR. HELPER:  She did not.

17                  MR. GREEN:  Read back the answer about  
18                  what he said.

19                  (Record read by the reporter.)

20                  Q.     BY MR. GREEN:  So, now, according to  
21                  him and this other woman, you did it again.  
22                  Right?

23                  A.     Yes.

24                  Q.     Didn't get fired, did you?

25                  A.     No.

1 Q. And aside from those two people, there  
2 were other people who accused you of being a  
3 racist?

4 A. I don't know.

5 Q. Never counseled again?

6 A. No.

7 Q. Never suspended for calling people, I  
8 guess -- what did he say he found out that was  
9 reported to Washington and then back to him?

10 The Reinhardts and this other lady,  
11 what do they say that you did or said that made  
12 them believe you didn't like white people?

13 A. They just said I didn't like haoles.

14 Q. Did he ask you if you said anything to  
15 the Reinhardts?

16 A. Yes.

17 Q. Did he ask you if you called them "a  
18 fucking haole"?

19 A. Yes.

20 Q. You said you did, right?

21 A. I didn't call them "fucking haole."

22 Q. When he asked you if you called them  
23 "fucking hales," what did you say?

24 A. I said I did not call them that.

25 You already asked me this question.

1 Q. Well, I'm a little bit old. I forget.

2 When he said to you that if you do it  
3 again, you'll be fired, what did you understand  
4 he was talking about? Do what again?

5 A. Claiming that I had said they were  
6 "fucking haoles."

7 Q. That's what I'm getting at. The  
8 Reinhardts claim you called them "fucking  
9 haoles." Right?

10 MR. HELPER: Objection.

11 Calls for speculation.

12 Q. BY MR. GREEN: Did he say that to you?

13 A. No.

14 Q. I'm trying to understand, so if you  
15 could help me --

16 A. He said --

17 Q. Let me finish the question.

18 I'm trying to understand, madam, how he  
19 could tell you you'd be fired if you called the  
20 Reinhardts "fucking haoles."

21 Where did he get that information from,  
22 if you know?

23 A. I don't know.

24 Q. But he said it was reported to him from  
25 Washington or from the Reinhardts to Washington

1       you called them "fucking haoles." Right? That's  
2       what he said to you?

3             A.     Yes.

4             Q.     And you, of course, denied it. Right?

5             A.     Yes.

6             Q.     And you had used the word "fucking  
7       haoles," but just not about them or to them.  
8       Right?

9             A.     Yes.

10            Q.     What's the woman's name, the second  
11       person?

12            A.     Susan Bowles.

13            Q.     She apparently felt, if you know, based  
14       on Lowrey talking again, you called her a  
15       "fucking haole." That's what she thought.  
16       Right?

17            A.     Yes.

18            Q.     And you're denying it again. Right?

19            A.     Yes.

20            Q.     What did he say? "Try not to say it  
21       again" or words to that effect?

22            A.     Might have.

23            Q.     And, of course, you kept saying it from  
24       time to time, referring to Caucasians as "fucking  
25       haoles." Right?

1 A. I don't know.

2 Q. Maybe you did; maybe you didn't.

3 Right?

4 A. Maybe.

5 Q. The truth is, there are certain white  
6 people you just don't like. Right?

7 A. Untrue.

8 Q. You like them all?

9 A. As far as I know.

10 Q. Okay. So "fucking haole" is just kind  
11 of a term of endearment to you, is it?

12 A. Yeah.

13 Q. Okay. Good.

14 When you were -- as you were growing  
15 up, I'm assuming the school you went to is a  
16 local school. Right?

17 A. Yes.

18 Q. When you hear the name "Michael Green,"  
19 do you have an image of an ethnic background?

20 A. Yes.

21 Q. What is it?

22 A. Caucasian.

23 Q. When you hear the name "Debra Kagawa,"  
24 do you have an understanding of ethnic  
25 background?

1 A. Yes.

2 Q. Maybe her father could be Japanese, her  
3 mother could be something else, but there's some  
4 Japanese in there somewhere if that's her natural  
5 parents. Right?

6 A. Yes.

7 Q. How about "Tom Young," the name  
8 "Young," do you have some vision as to the name  
9 "Young" and what ethnicity that could be?

10 A. Local.

11 Q. Local Chinese, right?

12 A. Uh-huh.

13 Q. Right?

14 A. Yes.

15 Q. So we got you over at TSA for about  
16 eighteen months.

17 By the way, the reason you were  
18 terminated, to your knowledge, has nothing to do  
19 with being a racist. Right?

20 A. Yes.

21 Q. Yes, it does not?

22 A. It does not.

23 Q. Give me that letter from Carvalho.  
24 There's a letter in there about discrimination.

25 No one, including Mr. Carvalho, ever

1       said to you do not put discriminatory remarks in  
2       writing, but keep it in-house or words to that  
3       effect? You never heard that when you worked at  
4       TSA?

5             A.     I don't remember that.

6             Q.     Now, is there an office somewhere at  
7       the airport in Maui --

8                    Whose office is it, Deb? Lowrey  
9       Leong's office?

10                   He has an office?

11            A.     Yes.

12            Q.     You've been in that office from time to  
13       time?

14            A.     Yes.

15            Q.     Why do you go down there?

16            A.     Because that's where we work out of, as  
17       well.

18            Q.     How do you work out of there? What do  
19       you do there?

20            A.     We do our paperwork in the office.

21            Q.     What kind of paperwork would you be  
22       doing?

23            A.     All kinds of paperwork.

24            Q.     When would you be doing that paperwork?

25            A.     All during the course of your shift.

1 Q. So you would leave the checkpoint area  
2 and go down there and do paperwork?

3 A. Yes.

4 Q. What kinds of things would you be  
5 writing?

6 A. All kinds of things.

7 Q. Like what? I don't know what that is.  
8 What does that mean?

9 A. Doing my reports.

10 Q. The reports would include what?

11 A. Whatever Lowrey wanted reported.

12 Q. And who uses the office other than  
13 people like yourself who write reports?

14 Whose office is it, actually?

15 A. It was Lowrey's office.

16 Q. Any would anybody else share that  
17 office on a permanent basis --

18 A. No.

19 Q. -- during that time?

20 When new employees would come into TSA,  
21 these would be people that, I guess, would be  
22 people that would screen, would you have some  
23 information that some people were coming -- new  
24 people were coming in?

25 A. Yes.

1 Q. How would you get that information?

2 A. We would receive a list from Bobby  
3 Peters.

4 Q. Who is Bobby Peters?

5 A. She is like an office manager.

6 Q. And how long had she been at TSA, if  
7 she had been, before you?

8 A. She was hired right after me.

9 Q. You were aware that Tom Young was to  
10 report for work at the Maui airport?

11 A. Yes.

12 Q. You knew he was a local Mainland?

13 A. No.

14 Q. You didn't know that?

15 A. No.

16 Q. When did you find out?

17 MR. HELPER: You said, "local  
18 Mainland."

19 MR. GREEN: That was a really stupid  
20 question.

21 Q. BY MR. GREEN: Did you know he was from  
22 the Mainland?

23 A. No.

24 Q. Where did you think he was from, if you  
25 thought anything?

1 A. I thought he was from here.

2 Q. Did you know how he was processed, in  
3 other words, where he made application to come to  
4 the airport?

5 A. No.

6 Q. Did you know what he was hired to do?

7 A. Yes.

8 Q. What did you think he was hired to do?

9 A. Screening manager.

10 Q. Did you think he was Chinese?

11 A. No.

12 Q. Never occurred to you; that is what  
13 you're saying to me?

14 A. No.

15 Q. No?

16 A. No.

17 Q. When you saw the name Tom Young, you  
18 didn't think he was a local guy?

19 A. I did.

20 Q. Did you think he was a local Chinese?

21 A. No.

22 Q. Or could be local Chinese?

23 A. No.

24 Q. But you certainly thought he was  
25 local?

1 A. Yes.

2 Q. What made you think that?

3 A. Just by the name.

4 Q. Do you remember when he reported to  
5 work?

6 A. I don't remember the date.

7 Q. Well, his employment was October 20th,  
8 it appears, 2002. Does that refresh your memory?

9 A. Okay.

10 Q. Do you remember the first time you ever  
11 saw him?

12 A. At the doorway.

13 Q. At the office?

14 A. Yes.

15 Q. Did you know when -- when you look at  
16 these employees that are coming in, new  
17 employees, do you get any background of these  
18 employees as to prior job experience?

19 A. No.

20 Q. Did you ever know that Mr. Young worked  
21 for the president of the United States government  
22 in screening for Air Force One?

23 A. No.

24 Q. You didn't know that?

25 A. No.

1 Q. Didn't know that he worked at the White  
2 House screening people and packages and things  
3 like that?

4 A. No.

5 Q. You know that he lasted at the airport  
6 about twenty-eight days?

7 A. Yes.

8 Q. I will tell you what he says, and you  
9 tell me whether that's your memory or it's not  
10 your memory.

11 He says when he reported to work, he  
12 went into that office near the entrance and said,  
13 "I'm Tom Young," and someone asked him to wait  
14 outside.

15 Do you remember any words to that  
16 effect?

17 A. Yes.

18 Q. Who told him to wait outside?

19 A. I did.

20 Q. And, incidentally, you and Tom Young  
21 have spoken in each other's presence from time to  
22 time while you worked and he worked at the  
23 airport?

24 A. Yes.

25 Q. In other words, he perhaps would

1 recognize your voice when he heard it. Right?

2 MR. HELPER: Objection.

3 Calls for speculation.

4 Q. BY MR. GREEN: You've spoken in front  
5 of him a number of times. Right?

6 A. Yes.

7 Q. He says that you told him to wait  
8 outside. And he heard you say, "What the fuck?  
9 He's a fucking haole."

10 He swore to that under oath.

11 Did you say words to that effect?

12 A. No.

13 Q. You wouldn't do anything like that.  
14 Right?

15 A. No.

16 Q. Well, see, what I'm trying to  
17 understand, Ms. Igarashi, is, if you have  
18 admitted today under oath -- we're going to break  
19 in a moment -- if you admitted today under oath  
20 you've referred to people as "fucking haoles"  
21 before, is there any reason you're telling me you  
22 would never have said "He's a fucking haole" --

23 A. Would I tell --

24 Q. -- if it wasn't in his presence?

25 A. No, I didn't say that.

1 Q. But it's not something that you were  
2 not inclined to say about other white people from  
3 time to time. Right?

4 A. True.

5 Q. I'm going to read to you what he says,  
6 and then we'll take a break.

7 His deposition was on March 15th,  
8 2006. And I'm going to read to you from page  
9 29. This is under oath, Ms. Igarashi, the same  
10 way you took your oath today.

11 Starting on page 30. I'm going to read  
12 the questions and answers. Page 30, I'm going to  
13 start at the top of the page. He's saying  
14 [Reading]:

15 "Well, there's two offices at  
16 that particular time, there was  
17 a -- maybe a room by 20 by 20 and  
18 a smaller office to the side that  
19 was his."

20 And he's referring to Lowrey Leong's  
21 office.

22 Is that about the size of the office?

23 A. Yes.

24 Q. [Reading]:

25 "When I knocked on the door, there

1                   were probably four people in the outer  
2                   office, there were about a half dozen  
3                   people in his office with him, and I  
4                   was asked to wait outside."

5                   You were the one that asked him to wait  
6                   outside, yes?

7                   A.    Yes.

8                   Q.    And there were other people that you  
9                   remember being in the office at that time?

10                  A.    I don't remember other people being in  
11                  there.

12                  Q.    [Reading]:

13                        "He actually didn't meet me in his  
14                        office, he came out and he spoke to  
15                        me in the hallway in the airport."  
16                        And he's talking about Lowrey.

17                        "Q.    In the hallway or in this  
18                        larger of the two rooms you're talking  
19                        about?"

20                        He says [Reading]:

21                        "No.   In the hallway of the airport.

22                        Q.    So you came into the larger  
23                        room from the hallway, right?

24                        A.    From -- I knocked -- I knocked  
25                        on the door from the hallway of the

1 airport of the larger office, yes.

2 Did you ever go in that larger office  
3 room?

4 A. I stepped in a couple of feet and  
5 I -- I was asked to wait outside.

6 Q. By who?

7 I'm pretty sure it was Fil Carvalho.

8 Q. Okay. And I -- is this the  
9 occasion when you claimed to have heard  
10 someone say something about your race?

11 A. I -- I -- I don't claim to, I --  
12 I heard it.

13 Well, okay, tell me what happened.

14 I was asked to stand outside in --  
15 and they were going to get Mr. Leong  
16 to -- to meet with me, and I actually  
17 during that particular incident, I  
18 heard" --

19 I'm reading page 31.

20 -- "I heard two things. I heard a  
21 woman's voice basic -- yeah, it was  
22 a woman's voice almost almost  
23 immediately as I stepped back out,  
24 I heard a woman's voice say what the  
25 fuck, he's -- he's not -- he's a --

1 he's a fucking haole. And I was a  
2 little bit shocked and -- and within  
3 just a few moments of that I heard a  
4 man's voice say I thought he was a  
5 local guy. And honestly, I didn't  
6 know what to think at that particular  
7 moment."

8 Now, I read on page 31. The answer was  
9 from line 1 to line 11.

10 Was there another person in the office  
11 that said "I thought he was a local guy,"  
12 referring to Mr. Young?

13 A. I don't remember.

14 Q. Maybe yes, maybe no?

15 A. I don't remember.

16 Q. I understand you said that.

17 The question is, maybe it happened and  
18 maybe it didn't; you just don't remember.  
19 Right?

20 A. Yes.

21 Q. The question at line 12 [Reading]:  
22 "Okay. Now, when you looked into  
23 the -- this larger of the two rooms  
24 you said there was -- there were four  
25 people in there, approximately four?

1 Filbert Carvalho was in there, Patti  
2 and I -- I don't even remember how  
3 to pronounce her last name, but she  
4 was also a screening manager, was in  
5 there."

6 Were you a screening manager at the  
7 time?

8 A. Yes.

9 Q. [Reading]:

10 "There was a secretary who was from  
11 a temporary service that was the  
12 secretary for that office."

13 Was there a temporary secretary in  
14 there?

15 A. There was a full-time secretary.

16 Q. [Reading]:

17 "And there were probably in -- in --  
18 in Leong's little office there was  
19 probably five or six people, and I  
20 believe they were probably from the  
21 roll out team that was there getting  
22 everything ready to -- to go from the  
23 Wackenhut security to the new TSA  
24 screeners."

25 Were there from time to time roll-out

1 people there?

2 A. Yes.

3 Q. [Reading]:

4 "You're talking about the MSF?

5 A. Yes."

6 This is on page 32 [Reading]:

7 "Did you recognize or -- or did you  
8 come to learn the identities of any  
9 of the people in -- who you saw in  
10 Mr. Leong's -- oh, I'm sorry, yes,  
11 in Mr. Leong's office that day?

12 I -- I didn't know really anyone  
13 other than Lowrey that was in that  
14 office, and I -- I didn't know anyone  
15 in any of the two offices, but I did  
16 come to learn --

17 Right.

18 -- who Patti was and who Filbert was  
19 and who our secretary was. Most of  
20 the people that were in there probably  
21 left, were actually gone before I  
22 physically started work."

23 The question at line 16 on page 32

24 [Reading]:

25 "Okay. Now, the voice you heard --

1 the-- the two voices that you heard,  
2 the male voice -- or the female voice  
3 saying fucking haole, did you later  
4 identify who believe said that?  
5 I'm -- I'm very much sure it was  
6 Patti.

7 Okay. And how about the male voice  
8 saying I thought he was local or I  
9 thought he was from here?  
10 I'm very sure it was Filbert

11 Carvalho."

12 I've finished reading at line 23.

13 When I read you this, does that refresh  
14 your memory?

15 A. No.

16 Q. Not at all?

17 A. No.

18 Q. But when he accuses you of calling him  
19 "a fucking haole," that is the same words you  
20 were counseled by Lowrey Leong on two prior  
21 occasions, yes, calling white people "fucking  
22 haoles," yes?

23 A. Yes.

24 MR. GREEN: Okay. Let's take a break  
25 for a few minutes.

1 MR. HELPER: Let's stay on the record.  
2 I want to stay on the record and get an estimate  
3 from you as to what your plans are.

4 MR. GREEN: I've got at least two more  
5 hours.

6 Listen, you can be shocked, but she's  
7 the main witness.

8 MR. HELPER: No. I'm shocked because  
9 earlier you told me two hours.

10 MR. GREEN: As they say in Chicago,  
11 it's that way sometimes. So it's going to be  
12 what it is.

13 And we can take a break for a few  
14 minutes.

15 (Recess taken.)

16 MR. GREEN: Back on the record.

17 Q. BY MR. GREEN: I was reading you some  
18 of the sworn testimony by Tom Young regarding  
19 this first occasion to meet with you at the  
20 airport when he checked in for work.

21 I want to read you some more of what he  
22 said under oath. I'm going to read you from page  
23 101 of Mr. Young's deposition. This is lines 10  
24 to 25. The question [Reading]:

25 "Okay. So what's your best

1 recollection

2 now, having spent a little time looking  
3 at your -- your affidavit as to how  
4 many times you heard Patti Igarashi  
5 making racial comments?

6 Well, I'm going to say for sure on five  
7 occasions. She -- she would -- she  
8 would -- she used it more times, but  
9 I don't know if I can put a number of  
10 incidents.

11 Well, is there -- fucking haole, that  
12 statement is a racially discriminatory  
13 remark, right?

14 It is."

15 So would you agree that you've  
16 certainly used the word "fucking haole" on a  
17 number of occasions. Right?

18 A. Yes.

19 Q. How many areas are there at the  
20 checkpoint in Maui where you would work in your  
21 official capacity?

22 A. Two.

23 Q. Have you ever yelled the word "fucking  
24 haoles" across the checkpoint on a numbrer of  
25 occasions, at least three?

1 A. No.

2 Q. Tom Young says under oath on page 103,  
3 I'll read you lines 1 to 13 [Reading]:

4 "Q. Okay. But as I understand your  
5 affidavit anyway, there were occasions,  
6 many occasions on which Patti Igarashi  
7 would say fucking haoles, not just in  
8 a small group where she might be  
9 overheard by passengers but screaming  
10 it over a fairly broad area. Is that  
11 your recollection?

12 I -- I did witness that on.

13 How many times did you witness that?

14 More than once. Several times."

15 On line 10 page 103 [Reading]:

16 "Can you give me an estimate as to --  
17 as you sit here today how many times  
18 you heard Patti Igarashi scream fucking  
19 haoles across the screening area?

20 At least three times."

21 Is that a correct statement under  
22 oath?

23 A. No.

24 Q. You never said the word "fucking  
25 haoles" across the checkpoint area?

1 A. No.

2 Q. Never raised your voice and said that?

3 A. No.

4 Q. So he's either mistaken or lying,  
5 right?

6 A. Yes.

7 MR. HELPER: Objection.

8 Calls for speculation.

9 MR. GREEN: It's one or the other.

10 Q. BY MR. GREEN: Were there times  
11 where -- Mr. Young was a subordinate to you, was  
12 he?

13 A. No.

14 Q. Would he ever ask you questions while  
15 you were working together?

16 A. No.

17 Q. Never did?

18 A. No.

19 Q. Can't think of a single time, can  
20 you --

21 A. No.

22 Q. -- that he would ask you questions?

23 Did you ever say, "You fucking haoles  
24 ask too many questions" to Tom Young?

25 A. No.

1 Q. Page 104, this is what he swore to,  
2 lines 3 through 17. The question is [Reading]:  
3 "Okay. Okay. So that the complete  
4 list of times that you heard Patti  
5 Igarashi make racist statements or  
6 statements that you interpret to be  
7 racist was first the time you  
8 overheard her say that she thought  
9 you were local or that you were a  
10 fucking haole before you got hired,  
11 the statement after the Reinhardt  
12 couple approached you about a pay  
13 issue, a comment she made to you about  
14 previous Wackenhut employees deserving  
15 the jobs over haoles, and then  
16 statements she made about haoles or  
17 fucking haoles in the screening area  
18 either sort of broadcast by screaming  
19 or in conversations with her buddies.  
20 Is that a complete list?  
21 And then she -- she -- when I asked  
22 her a question one day, she -- she  
23 said to me you -- you f'ing haoles  
24 ask too many questions."  
25 Is that a true statement?

1 A. No.

2 Q. Never happened, right?

3 A. No.

4 Q. Do you know of any reason that  
5 Mr. Young didn't like you?

6 A. No.

7 Q. When you met Mr. Young, did you realize  
8 at any time before he was fired that he did not  
9 grow up i n the islands?

10 A. No.

11 Q. You never thought that maybe he was a  
12 Mainland person, right?

13 A. No.

14 Q. You remember you told me about the  
15 Reinhardts calling Washington --

16 A. Yes.

17 Q. -- and you were counseled that  
18 apparently you shouldn't use the word "fucking  
19 haoles"?

20 A. Yes.

21 Q. Mr. Young says -- did the Reinhardts  
22 ever ask you about their pay?

23 A. No.

24 Q. You feeling okay?

25 A. Yes.

1 Q. Because you don't seem to remember very  
2 much after the break.

3 A. I'm answering your questions.

4 Q. I know. You don't remember anything.  
5 Every answer you've given me since the break is  
6 "I don't know."

7 MR. HELPER: Objection.

8 Mischaracterizes her statements.

9 Q. BY MR. GREEN: The Reinhardts, didn't  
10 they ever ask you about their pay that you can  
11 recall?

12 A. No.

13 Q. Did you say to Tom, "What do those  
14 fucking haoles want now?"

15 A. No.

16 Q. Do you know Charles Turner?

17 A. Yes.

18 Q. Who is Charles Turner?

19 A. One of the screeners.

20 Q. Ethnic background, if you know?

21 A. Caucasian.

22 Q. A haole, yeah?

23 A. If you want to use the word.

24 Q. You're the one who uses the word. I  
25 just want to --

1 A. Don't you?

2 Q. You don't get a chance to ask me  
3 questions.

4 Was he someone who you would refer to  
5 as a haole?

6 A. Yes.

7 Q. Any reason he doesn't like you?

8 A. No.

9 Q. Well, this is what he says under oath.  
10 Give me his deposition.

11 His deposition was taken on February  
12 8th, 2006.

13 Was he at TSA before you were hired  
14 there?

15 A. No.

16 Q. He came in after?

17 A. Yes.

18 Q. Was he there when you left?

19 A. Yes. No, he wasn't there.

20 Q. Was he fired while you were there?

21 A. Yes.

22 Q. Do you know how long he remained?

23 A. Remained where?

24 Q. At TSA.

25 A. No.

1 Q. Did you ever hear anyone at TSA say  
2 "There are no fucking haole men that are going  
3 to take our jobs"?

4 A. No.

5 Q. You sure that you never heard that?

6 A. I'm sure.

7 Q. He says under oath on page 51, lines 7  
8 to 10, this is what he swore to [Reading]:

9 "Was there a later point in time  
10 when she did?"

11 Let me go back further [Reading]:

12 "Did you -- she use any racial terms  
13 in talking to Everret Reinhardt?"

14 A. Not at that point in time.

15 Q. Was there a later point in  
16 time when she did.

17 A. She used racial terms all the  
18 time. One of her favorite comments  
19 was calling us all a bunch of fucking  
20 haoles. Excuse the language. But as  
21 directed towards someone specific, I  
22 don't recall."

23 Is that accurate?

24 A. No.

25 Q. You didn't refer to Caucasians

1 generally as "fucking haoles"?

2 A. Not at the checkpoint.

3 Q. At any place, did you refer to white  
4 people as "fucking haoles"?

5 A. Sometimes.

6 Q. That was kind of standard for you?

7 MR. HELPER: Objection.

8 Q. BY MR. GREEN: Was that kind of  
9 standard? Or when you were not at the checkpoint  
10 and not working, did you use the term "fucking  
11 haoles"?

12 A. No.

13 Q. Did you use the term at least once a  
14 day?

15 A. No.

16 Q. Certainly, at least once a week.  
17 Right?

18 A. Yes.

19 Q. And that was for eighteen months,  
20 right?

21 You were there eighteen months, right?

22 A. Yes, I was.

23 Q. Did you know Lucas Bruno?

24 A. Yes.

25 Q. Who is Lucas Bruno?

1 A. He's a screener.

2 Q. Caucasian?

3 A. Yes.

4 Q. From the Mainland?

5 A. I don't know.

6 Q. Did you ever tell Charles Turner to  
7 write up Lucas Bruno?

8 A. I could have.

9 Q. Did you say "Write up things and make  
10 negative comments about him"?

11 A. No.

12 Q. Did you ever refer to him as "a fucking  
13 haole"?

14 A. No.

15 Q. Did you ever yell at him in front of  
16 the other employees?

17 A. No.

18 Q. He swore under oath, that's Mr. Turner,  
19 on page 61, starting at line 25 [Reading]:

20 "Who else was present" --

21 Let me go back a little bit to put it  
22 in perspective.

23 Was there a time when Lucas Bruno went  
24 over to you and handed his wand to someone else  
25 and you yelled at him for not having his wand

1 with him?

2 A. No.

3 Q. Was there a time that he then came over  
4 to you with his wand and you yelled at him for  
5 bringing his wand with him?

6 A. No.

7 Q. Never happened?

8 A. No.

9 Q. And if he says it happened, he's  
10 mistaken or lying?

11 A. Yes.

12 Q. Can you think of any reason why these  
13 white males that are involved in this lawsuit are  
14 accusing you of being a racist? Can you think of  
15 any reason.

16 A. No.

17 MR. HELPER: Objection.

18 Calls for speculation.

19 MR. GREEN: If she can think of one,  
20 she can tell me.

21 Q. BY MR. GREEN: He says -- Mr. Turner  
22 says at page 61, line 25, this is Mr. Turner --  
23 let me go back to page 61, line 6 [Reading]:

24 "What did you see in terms of  
25 Ms. Igarashi's interaction with

1 Lucas Bruno that made you think he  
2 was treating him unfairly?

3 Her yelling at him.

4 How many occasions did she yell at  
5 him?

6 A. Three that I can recall.

7 Q. Over the course of how many days?  
8 Was it all within the same day.  
9 I would say three within a course of a  
10 week period of time.

11 Q. What was she yelling at him  
12 about?

13 Again, the specific one I remember is  
14 wandering. Another one was about the  
15 loading. I remember one was up towards  
16 the gates and it had something to do  
17 with the gates.

18 Q. And how long -- if you can give me  
19 an estimate, how long was the -- were  
20 these interactions between Mr. Bruno  
21 and Ms. Igarashi? How long would she  
22 be yelling at him.

23 About five minutes each time.

24 Who else was present that you recall  
25 during the times Ms. Igarashi was

1 yelling at Mr. Bruno?

2 Well, when she was yelling at him  
3 regarding the loading, everybody at  
4 the checkpoint was present, which is  
5 about 30 to 40 employees."

6 Do you remember that incident,

7 Ms. Igarashi?

8 A. No.

9 Q. Didn't happen or you just don't  
10 remember?

11 A. I don't remember.

12 Q. It didn't happen?

13 A. I don't remember.

14 Q. You don't remember it happening; is  
15 that what you're saying?

16 A. Yes.

17 Q. He continues [Reading]:

18 "When she was yelling at him regarding  
19 the wandling, that was at the  
20 checkpoint, so we had about 20 or 30  
21 employees then. And then I remember  
22 when she was up by the gates, I think  
23 Karin" --

24 Karin, K-a-r-i-n, do you know who that  
25 is?

1 A. Yes.

2 Q. Who is that?

3 A. Karin Phaneuf.

4 Q. [Reading]:

5 "... I think Karin was in the area and  
6 there was about four or five of us  
7 coming out of a gate area when she was  
8 berating him.

9 Q. The loading incident, do you  
10 recall if there were any supervisors  
11 other than yourself and Ms. Igarashi  
12 herself there?

13 I think Gary was there and I think  
14 Rusty was there."

15 Who's Gary and Rusty, if you know?

16 A. Gary Levitt, Rusty Harlan.

17 Q. Did you used to say -- use the term  
18 "fucking haoles" under your breath when you were  
19 at the checkpoint?

20 A. No.

21 Q. He says, this is Mr. Turner again, on  
22 page 62, lines 19 through page 63, starting at  
23 line 19 [Reading]:

24 "And then the incident at the gates,  
25 what supervisors were present other

1 than yourself and Mr. Phaneuf?"

2 Do you know who that is?

3 A. That's Karin Phaneuf.

4 Q. [Reading]:

5 "... what supervisors were present  
6 other than yourself and Ms. Phaneuf?

7 A. Just me and Ms. Phaneuf.

8 Q. Just the two of you. During her  
9 criticisms or berating or yelling at,  
10 however you want to select your verb,  
11 interactions with the eight Caucasian  
12 employees who we have been talking  
13 about, did she ever use racial  
14 terminology with any of these  
15 employees?"

16 He says on page 63, line 2 [Reading]:  
17 "She turned around and made the  
18 comment -- and she has a habit of doing  
19 that, turning around after she berates  
20 someone, she would turn around under  
21 her breath and say fucking haoles."  
22 Did things likes that used to happen  
23 with you?

24 A. No.

25 Q. Would you wait to say "fucking haoles"

1 until you were out of the checkpoint, out of the  
2 area?

3 A. No.

4 Q. Where would you say "fucking haoles"?

5 A. In my car.

6 Q. It wasn't at the airport? You never  
7 used the word "fucking haole" at the airport?

8 A. I could have.

9 Q. Maybe you did and maybe you didn't.  
10 Right?

11 A. Maybe I did and maybe I didn't.

12 Q. Once a week for eighteen months, you  
13 may have said it at the airport about other  
14 employees.

15 A. I must have said it in front of Chuck  
16 Turner every time. I should have watched him.

17 Q. Should have watched who?

18 I'm sorry. What did that mean? Should  
19 have watched who?

20 A. Maybe Chuck Turner wasn't doing his job  
21 if he was so busy watching me.

22 Q. Does that have something to do with him  
23 being a fucking haole?

24 A. No.

25 MR. HELPER: Objection, counsel.

1 Argumentative.

2 MR. GREEN: I just wanted to know if it  
3 had to do with him being a fucking haole.

4 Mark this, please.

5 (Plaintiffs' Exhibit 1 was  
6 marked for identification.)

7 Q. BY MR. GREEN: This is a letter, dated  
8 October 17th, 2002, to Lowrey Leong, through  
9 Howard Tagamori, from Filbert Carvalho, regarding  
10 MSF Supervisor Mr. Gahr.

11 Do you know Mr. Gahr?

12 A. Yes.

13 Q. Did he work with you?

14 A. Yes.

15 Q. Were you his supervisor?

16 A. I was his checkpoint manager on that  
17 shift.

18 Q. Over him?

19 A. Yes.

20 Q. Caucasian male?

21 A. Yes.

22 Q. Over forty?

23 A. I don't know.

24 Q. Did you like him?

25 A. No.

1 Q. Did you ever call him "a fucking  
2 haole"?

3 A. No.

4 Q. What was it that you didn't like about  
5 him?

6 A. I didn't like him.

7 Q. But you told me that.

8 What was it that you didn't like about  
9 him?

10 A. He didn't have a "we" attitude. There  
11 was no teamwork when it came to Chris Gahr.

12 Q. He was kind of aloof, was he?

13 A. No.

14 Q. Arrogant?

15 A. No, no, he was not aloof. Arrogant.

16 Q. Something you've seen over the years  
17 about how Caucasians treat local people?

18 A. No.

19 Q. Well, the arrogance was how? What did  
20 he do that made you think he was arrogant?

21 A. There was no teamwork when it came to  
22 Chris Gahr.

23 Q. And you were a team player?

24 A. I was.

25 Q. And you kind of looked out for your

1 team, did you?

2 A. I looked out for the entire checkpoint.

3 Q. That would include the white ones and  
4 the local ones, right?

5 A. Yeah.

6 Q. This is what Mr. Carvalho writes  
7 through Mr. Tagamori to Mr. Lowrey Leong. He  
8 says in paragraph 1 [Reading]:

9 "At approximately 1900 hours on  
10 October 17th, 2002, I was approached  
11 by TSA Screener Harlan, Russell."

12 Did he work under you, Harlan,  
13 Russell?

14 A. Yes.

15 Q. Was he haole?

16 A. Yes.

17 Q. Mainland haole?

18 A. I don't know.

19 Q. [Reading]:

20 "He wanted to talk to me about my  
21 briefing and how I handled issues  
22 regarding discriminatory remarks and  
23 management issues. He felt my actions  
24 were in good faith and he was  
25 satisfied. I had asked the screeners

1 to confide in the administration and  
2 allow time for correction within the  
3 management team."

4 Did Mr. Carvalho ever say that to you?

5 A. No.

6 Q. Anything that had to do with  
7 discrimination, it should be handled within the  
8 administration and allow time for correction?

9 A. No.

10 Q. Do you know anyone else that was  
11 corrected by Mr. Leong other than yourself about  
12 saying "fucking haoles"?

13 A. No.

14 Q. He then says [Reading]:

15 "I had also asked for time and  
16 understanding..."

17 And he's talking about what he said to  
18 Russell. [Reading]:

19 "I had also asked for time and  
20 understanding as I would address  
21 these issues and felt documentation  
22 was not warranted."

23 Do you see that?

24 A. [Examining.] Yes.

25 Q. Did Mr. Carvalho or anyone else ever

1 say not to put in writing anything that had to do  
2 with racial remarks made to co-employees or  
3 tourists?

4 A. No.

5 Q. Did you file complaints against Tom  
6 Young?

7 A. No.

8 Q. Never spoke to anybody about him by  
9 reporting misconduct?

10 A. No.

11 Q. Well, did you tell Howard Tagamori that  
12 Tom Young was trying to undermine Filbert  
13 Carvalho's authority?

14 A. No.

15 Q. Never said that.

16 Did Tom Young ever ask you if screeners  
17 should get paid overtime because they were in a  
18 briefing after hours?

19 A. No.

20 Q. You don't remember that there was a  
21 briefing and Mr. Young turned to you and asked  
22 for overtime?

23 A. No.

24 Q. Did you report to Howard Tagamori that  
25 Mr. Young was violating the chain of command?

1 A. No.

2 Q. Did Mr. Young ask you if you had  
3 reported him to Howard Tagamori?

4 A. No.

5 Q. Did he talk to you about a counseling  
6 session he had with Howard Tagamori and asked you  
7 if you had said something to Howard Tagamori?

8 A. No.

9 Q. Did you kind of say, "You don't know  
10 what you're talking about, Tom"?

11 A. No.

12 Q. Was there a shift change between you  
13 and Tom Young?

14 A. Yes.

15 Q. What was the shift change?

16 A. Tom wanted to work -- to have the  
17 night off and work my shift.

18 Q. What did you say?

19 A. Yes.

20 Q. It was okay with you, right?

21 A. Yes.

22 Q. Did you get written up for that?

23 A. Yes.

24 Q. Did you see the write-up?

25 A. No.

1 Q. How do you know you were written up?

2 A. I got talked to in the office.

3 Q. I asked you if you were written up.

4 Did you ever see a write-up?

5 A. No.

6 Q. Who talked to you about it?

7 A. Howard Tagamori.

8 Q. Was that before or after Lowrey talked  
9 to you about using the word "fucking haole" to  
10 two of the screeners?

11 A. After.

12 Q. Not suspended, were you?

13 A. No.

14 Q. Tom Young says, and I'll read to you  
15 from his deposition, page 79, the question at  
16 line 15 [Reading]:

17 "Were you ever counseled at this  
18 time, around that time about  
19 switching shifts improperly? Anybody  
20 ever discuss that issue with you?

21 A. Filbert discussed this with me.

22 It was not the October 28 though.

23 He -- he discussed it out in the  
24 screening area during the day. He  
25 did -- he did ask me about why I

1 changed shifts. He -- he never  
2 indicated in any fashion or form that  
3 it was a counseling session or anything  
4 like that.

5 Q. And what was the -- had you  
6 switched shifts recently when -- when  
7 Fil had talked to you about it?

8 A. I did. I did switch a shift with  
9 Patti. And this was one of these  
10 things that I know there were certainly  
11 other issues involved. I had mentioned  
12 one day that my son played football for  
13 Maui High, and Patti, if I remember the  
14 conversation, and I believe she said,  
15 well, you should go to your son's  
16 football game."

17 Did that happen?

18 A. Yes.

19 Q. [Reading]:

20 "And I go, well, no, I'm working  
21 that evening. And she goes, why  
22 don't we switch shifts? She says,  
23 you can go to your son's football  
24 game and I can -- and I'd rather --  
25 and I go, no, I'd rather things were

1 not chaotic. I said I'd rather just --  
2 missing one game is not the end of  
3 the world. She goes, no, you don't  
4 understand. I need to switch a  
5 shift."

6 Did you?

7 A. No.

8 Q. You didn't tell him that, then?

9 A. No.

10 Q. [Reading]:

11 "I need a certain night off, and if  
12 you would work this night for me, I  
13 would work that night for you."

14 Did you say that to him?

15 A. No.

16 Q. Did you need a night off ever?

17 A. No.

18 Q. [Reading]:

19 "If you need to switch I have no  
20 problem with that."

21 That's what you said to him.

22 [Reading]:

23 "I offered to go talk to Fil about  
24 it or Howard. She told me there was  
25 no need, that screening managers were

1           able to make pen-and-ink changes to  
2           the schedule."

3           Is that true?

4           A.    No.

5           Q.    Could screening managers make pen-and-  
6           ink changes?

7           A.    No.

8           Q.    [Reading]:

9                "I said I'd feel more comfortable at  
10               least telling Fil what we're doing.

11               She said we're screaming managers.

12               We don't need to do that."

13               Did you say that?

14           A.    No.

15           Q.    [Reading]:

16                "She had been there much longer than  
17               I had. She had been there with

18               Wackenhut. I assumed wrong that it

19               was okay, and then Fil come to me

20               one day and said you cannot change

21               shifts after the fact."

22               Did you know he was written up for  
23           that?

24           A.    No.

25           Q.    Did you ever tell Mr. Young after he

1 was written up -- or the time after you changed  
2 shifts that you said to him, "You don't get  
3 chewed out over that stuff" and "You have to have  
4 the right friends"? Did you say words to that  
5 effect?

6 A. No.

7 Q. You don't know what I'm talking about  
8 when I say that?

9 A. No, sir.

10 Q. You said that you didn't really like  
11 Chris Gahr. Right?

12 A. Yes.

13 Q. He seemed aloof to you. Right?

14 A. No.

15 MR. HELPER: Objection.

16 Q. BY MR. GREEN: What was the word you  
17 used? "Arrogant," was that the word?

18 A. Yes.

19 Q. What was it he did that you thought was  
20 arrogant?

21 MR. HELPER: Objection.

22 Asked and answered.

23 Q. BY MR. GREEN: Answer again.

24 A. He's not a team player.

25 Q. And you consider that to be arrogant?

1 A. Yes.

2 Q. Anybody else that you didn't think was  
3 a team player?

4 A. No.

5 Q. Chris Gahr seemed to be a team player?

6 A. No.

7 Q. Tom Young seemed to be a team player?

8 A. Yes.

9 Q. This is an affidavit. This is a sworn  
10 statement from Tom Young, which he swore to on  
11 August 8th, 2003.

12 You haven't seen a copy of this,  
13 right?

14 A. No.

15 Q. He says on page 3 of a ten-page  
16 affidavit -- this is the question [Reading]:

17 "Were the management officials,  
18 Mr. Carvalho, Patti Igarashi, Lowery  
19 Leong aware of complainant's race,  
20 color, sex, and national origin when  
21 complainant worked there?"

22 That's the question to Mr. Young.

23 [Reading]:

24 "I know that they were aware as  
25 they made mention of his race,

1 color, sex and national origin."

2 This is his affidavit regarding  
3 Christopher Gahr.

4 MR. HELPER: Whose affidavit, counsel?

5 MR. GREEN: Tom Young's.

6 Q. BY MR. GREEN: And this is what  
7 Mr. Young says regarding Christopher Gahr  
8 [Reading]:

9 "In my first few days, I was supposed  
10 to do on the job training 'shadowing'  
11 another manager."

12 Is that the procedure?

13 A. Yes.

14 Q. [Reading]:

15 "I was asking questions about  
16 everything to learn my job.

17 Ms. Igarashi said, 'you fucking  
18 haoles are all the same. You want  
19 to know everything.'"

20 You wouldn't have said something like  
21 that, would you?

22 A. No.

23 Q. You wouldn't have said "you want to  
24 know everything."

25 But "fucking haoles" you would have

1 said at some point in time, right?

2 A. Yes.

3 MR. HELPER: Objection.

4 Asked and answered.

5 MR. GREEN: I can keep asking her about  
6 "fucking haoles" all the time, counsel.

7 She has admitted to saying the phrase  
8 "fucking haoles" on occasion.

9 MR. HELPER: You've asked the same  
10 question over and over.

11 It's becoming argumentative and it's  
12 becoming abusive.

13 MR. GREEN: This case is about her and  
14 racism.

15 MR. HELPER: I know that's what you  
16 want it to be about, counsel.

17 MR. GREEN: Did you read the  
18 complaint?

19 MR. HELPER: I --

20 MR. GREEN: Let's move on.

21 MR. HELPER: I'm not done with my  
22 objection.

23 I'm making my objection that you are  
24 abusing the witness with the repeated questions  
25 that have been asked about the use of the word

1 "fucking haole."

2 MR. GREEN: That's your objection?

3 MR. HELPER: It is.

4 MR. GREEN: Fine.

5 Q. BY MR. GREEN: [Reading]:

6 "On another occasion when I suggested  
7 the proper protocol for a doorway she  
8 said to me, 'you white guys must think  
9 alike.'"

10 Have you ever used the word "white  
11 guys"?

12 A. No.

13 Q. Did he ever suggest a different  
14 protocol for something that happened at a  
15 doorway?

16 A. I don't know.

17 Q. Well, he would have said it to you.

18 A. I don't know.

19 Q. You don't remember?

20 A. I don't remember.

21 Q. [Reading]:

22 "'You white guys must think alike.  
23 We had this other white guy from  
24 the Mainland who wanted to do the  
25 same thing.'"

1 Do you know about another white guy  
2 that wanted to change protocol --

3 A. No.

4 Q. -- at a doorway?

5 A. No.

6 Q. [Reading]:

7 "Of course, in both instances, she  
8 was talking about Complainant."

9 That was Mr. Gahr.

10 Does that refresh your recollection?

11 A. No.

12 Q. This is Tom Young [Reading]:

13 "She went on to say, 'We had to fire  
14 him. I knew he wouldn't work out.'"

15 Did you ever say to anyone you knew  
16 Gahr wouldn't work out?

17 A. No.

18 Q. Do you know of anyone at the airport  
19 that was fired within thirty days or less at the  
20 airport?

21 A. No.

22 Q. [Reading]:

23 "'I knew the minute he walked in  
24 here he is from the Mainland. He  
25 is a goofy white guy and wanted to

1 make a lot of changes, so we had  
2 to fire him.'"

3 You're laughing, but it's not that  
4 funny.

5 Did you say that to Mr. Young about  
6 Mr. Gahr?

7 A. No.

8 Q. Did you ever call anyone "a goofy white  
9 guy"?

10 A. No.

11 Q. [Reading]:

12 "My response was 'just let me know if  
13 I make a similar mistake.'"

14 Did he ever say that to you?

15 A. No.

16 Q. This is on page 4 of ten of his  
17 affidavit [Reading]:

18 "Ms. Igarashi often used the word  
19 haole. There was no question about  
20 how she meant the term haole. It  
21 was derogatory and demeaning. She  
22 would scream 'you fucking haoles'  
23 across the entire screening area.  
24 This was not once, but many times.  
25 Even when I tried to explain to her

1                   that I was offended by her use of  
2                   the term, she did not get it."

3                   Did Tom Young ever tell you that he was  
4                   offended buy the use of the term "haole"?

5                   A.     No.

6                   Q.     Did anyone ever tell you that?

7                   A.     No.

8                   Q.     Only Mr. Leong when he spoke to you.  
9                   Right? That would be the only time?

10                  A.     Yes.

11                  Q.     Were you aware that Tom Young or anyone  
12                  filed EEOC complaints --

13                  A.     No.

14                  Q.     -- for discrimination?

15                  A.     No.

16                  Q.     This is also in his sworn statement  
17                  [Reading]:

18                         "Ms. Igarashi told me those  
19                         things" --

20                         The question was [Reading]:

21                         "Were you aware that Complainant" --  
22                         That's Gahr.

23                         -- "brought EEO issues to the attention  
24                         of management?

25                         Yes, I knew. After Ms. Igarashi told

1 me those things about white people and  
2 haoles, et cetera, there were other  
3 employee issues. It was a wreck  
4 management-wise at OGG."

5 What's "OGG," if you know?

6 A. Maui.

7 Q. [Reading]:

8 "Some employees were not paid for  
9 weeks on end."

10 Is that true?

11 A. I don't know.

12 Q. You don't know if employees' checks  
13 were late?

14 A. I don't know.

15 Q. You never heard anything about that?

16 A. Never did.

17 Q. No one ever complained to you about  
18 that?

19 A. They were paid.

20 Q. I'm sorry. I didn't ask you that.

21 If you don't understand the question,  
22 tell me.

23 A. I don't understand the question.

24 Q. Were employees paid late, if you know?

25 A. I don't know.

1 Q. Did the Reinhardts ever come to you  
2 because their checks were a week or two late?

3 A. No.

4 Q. They never asked you about their  
5 checks?

6 A. No.

7 Q. This is what Tom Young says under oath  
8 [Reading]:

9 "Two married employees came to me  
10 and asked about getting paid" --

11 I'm sorry?

12 A. They didn't get their pay in Honolulu.

13 Q. What does that mean?

14 A. They were here for training. They were  
15 paid during the training. They didn't get that  
16 check.

17 Q. The check was late?

18 A. I don't know if they ever got it.

19 Q. How do you know they didn't get their  
20 check?

21 A. They might have said something about  
22 it.

23 Q. Yeah, they said it to you. They said  
24 something to you about not getting their check.

25 Is it coming back to you now?

1 A. Yes.

2 Q. Okay. And that's when I suggested to  
3 you when they said it, you made a comment about  
4 "You fucking" -- "What do you fucking haoles  
5 want?"

6 A. No.

7 Q. But you remember they may have come to  
8 you about their check?

9 A. Yes.

10 Q. Good. [Reading]:

11 "Two married employees" --

12 This is under oath. This is what Tom  
13 Young says [Reading]:

14 "Two married employees came to me  
15 asked about getting paid as they  
16 were broke and had not been paid  
17 for six weeks."

18 Do you remember that now?

19 A. No.

20 Q. You don't remember them saying they  
21 were broke?

22 A. No.

23 Q. You don't remember them saying they  
24 hadn't been paid for six weeks?

25 A. No.

1 Q. [Reading]:

2 "Ms. Igarashi saw them approach me  
3 and asked, 'what did those fucking  
4 haoles want?'"

5 Did you say that to Tom Young --

6 A. No.

7 Q. -- referring to the Reinhardts?

8 A. No.

9 Q. [Reading]:

10 "I pulled her to the side and told  
11 her that the employees were upset  
12 that she was calling them 'fucking  
13 haoles.' She asked if I was going  
14 to file a complaint against her too."  
15 Did you ask Tom Young if he was going  
16 to file a complaint against you --

17 A. No.

18 Q. -- for being a racist?

19 A. No.

20 Q. Never did?

21 A. No.

22 Q. You understand you're under oath.  
23 Right?

24 A. Yes.

25 Q. [Reading]:

1 "She said, 'oh, yeah, that fucking  
2 haole we fired also filed a complaint  
3 against me'" --

4 MR. HELPER: We're going to take a  
5 break here. I think the witness is pretty  
6 upset. I think she should be.

7 MR. GREEN: I understand she's upset.  
8 So are my clients.

9 THE WITNESS: Good. Good-bye.

10 (Recess taken.)

11 MR. GREEN: Back on the record.

12 Q. BY MR. GREEN: Ms. Igarashi, you don't  
13 have a lawyer here. Right? I mean, this  
14 gentleman doesn't represent you. Is that your  
15 understanding?

16 MR. HELPER: That's a question I'll  
17 handle.

18 I'm representing her to the extent that  
19 we're here in the scope of her government  
20 employment.

21 MR. GREEN: I'm under the impression  
22 that you are not representing her.

23 MR. HELPER: I'm not representing her  
24 in her personal capacity, that's correct.

25 Q. BY MR. GREEN: Did you have a

1 conversation with this lawyer during the break?

2 A. Uh-huh.

3 Q. You've had two breaks and you've had  
4 two conversations with him. Right?

5 A. Right.

6 Q. What did he say to you?

7 MR. HELPER: Objection.

8 I instruct the witness not to answer  
9 the question.

10 MR. GREEN: Based on?

11 MR. HELPER: Attorney-client  
12 privilege.

13 Q. BY MR. GREEN: The second break, did he  
14 talk to you again?

15 A. Yes.

16 Q. What did he say to you?

17 MR. HELPER: Same objection.

18 Don't answer the question.

19 That's completely improper, counsel.  
20 You ought to know that.

21 MR. GREEN: You made your objection.

22 I have the right to ask the question.

23 Q. BY MR. GREEN: Are you happy that these  
24 people that are suing are upset?

25 A. [No audible response.]

1 Q. Does that make you feel good?

2 MR. HELPER: Objection.

3 Argumentative.

4 MR. GREEN: It's not argumentative.

5 Q. BY MR. GREEN: Answer the question.

6 Are you happy that these people are all  
7 upset about getting terminated?

8 A. No.

9 Q. Because when you said you were upset  
10 and I said "so are my clients," you said,  
11 "Good." Do you remember saying that?

12 A. Yes.

13 Q. What was good about that? That they  
14 were upset?

15 A. They're making me upset, too, so we're  
16 all even.

17 Q. Mr. Young says in completing his answer  
18 number 7 on page 4 of his affidavit [Reading]:

19 "She asked if I was going to file  
20 a complaint against her too. She  
21 said, 'oh, yeah, that fucking haole  
22 we fired also filed a complaint  
23 against me.'"

24 Do you know any people that were  
25 terminated that filed a complaint against you --

1 A. No.

2 Q. -- other than in this case?

3 A. No.

4 Q. Again, referring to -- that's Mr. Gahr  
5 that he's referring to. He says [Reading]:

6 "I reiterated that I was not filing  
7 a complaint, but thought she needed  
8 not to use the term haole as it was  
9 offending me and the workforce."

10 Did he say that to you?

11 A. No.

12 Q. [Reading]:

13 "However, within ten minutes,  
14 Mr. Tagamori, deputy director of  
15 screening, called me into the office  
16 and was screaming at me about the  
17 chain of command and did I not know  
18 anything. Ms. Igarashi would complain  
19 to him and he would take it out on me.  
20 I tried to explain to him that  
21 Ms. Igarashi was using the word haole  
22 and calling employees fucking haoles,  
23 but he would not hear of it."

24 You don't know anything about that  
25 conversation?

1 A. No.

2 Q. While you were working at TSA, did you  
3 believe that certain employees, local employees,  
4 were disciplined differently than white  
5 employees?

6 A. No.

7 Q. You didn't think there was disparate  
8 treatment in how white employees were reprimanded  
9 or treated as opposed to local employees for  
10 rules violations?

11 A. No.

12 Q. Let me have all that stuff on that  
13 lady.

14 I asked you about Bonnie Tanner. Do  
15 you remember that?

16 A. Yes.

17 Q. And Ms. Tanner was a transportation  
18 security screener?

19 A. Yes.

20 Q. And Ms. Tanner, as I understand it,  
21 worked there during the time that you worked  
22 there.

23 A. Yes.

24 Q. You wrote her up from time to time, or  
25 at least once, did you?

1 A. Yes.

2 Q. What did you write her up for?

3 A. I don't remember.

4 Q. I'll show you in a minute.

5 We'll mark this as an exhibit.

6 (Defendant's Exhibit 2 was  
7 marked for identification.)

8 A. [Examining.]

9 Q. Before we get into this, are you aware  
10 of any complaints that were made against  
11 Mr. Young or Mr. Gahr or any other white male  
12 employees at TSA for leaving their area unclean,  
13 leaving empty water bottles or things like that?

14 A. No.

15 Q. Were you aware of any complaints that  
16 were made against any white male employees for  
17 raising their voice at co-employees in the  
18 screening area?

19 A. No.

20 Q. The top of this letter, if you want to  
21 go along with me, the date is August 21st, 2003.  
22 This is to Bonnie Tanner, transportation security  
23 screener, from Robert Au, assistant federal  
24 security director, Kahului Airport. The subject  
25 is termination during probationary period.

1 Do you see that?

2 A. [Examining.] Uh-huh.

3 Q. Do you know how long the probationary  
4 period was at TSA for security screeners?

5 A. No.

6 Q. No idea?

7 A. No.

8 Q. Were you on a probationary period when  
9 you went in there and were hired?

10 A. No.

11 Q. It starts off on the cover sheet

12 [Reading]:

13 "On September 29, 2002, the  
14 Transportation Security Administration  
15 hired you as a transportation security  
16 screener in the excepted service."

17 Were you aware she was hired as a  
18 transportation security administrator?

19 I'm sorry. As a screener?

20 A. Yes.

21 Q. And how often did you work with her?

22 A. Three or four times a week.

23 Q. He then says [Reading]:

24 "Your appointment is subject to  
25 completion of a one-year probationary

1 period. Employees may be terminated  
2 during their probationary period  
3 because their work performance or  
4 conduct fails to demonstrate their  
5 fitness or qualifications for continued  
6 employment."

7 Do you see that?

8 A. [Examining.] Yes.

9 Q. When you were yelled at or reprimanded  
10 by Lowrey Leong, did he ever tell you the use of  
11 the word "fucking haole" demonstrated the lack of  
12 fitness or qualifications for your continued  
13 employment?

14 A. No.

15 Q. He then says, this is from Robert Au  
16 [Reading]:

17 "I have decided to terminate your  
18 TSA employment. Your termination  
19 will be effective close of business  
20 on the date you receive this notice."

21 When you were reprimanded by Mr. Lowrey  
22 Leong, how long had you been working at TSA?

23 A. I don't remember.

24 Q. You only worked there eighteen months.  
25 Was it within your first year?

1 A. Yes.

2 Q. Paragraph two [Reading]:

3 "Specifically, on August 19, 2003,  
4 you were assigned to the OGG checkpoint  
5 in lane No. 4 to do a bag search and  
6 you failed to follow TSA [Standard  
7 Operating Procedures' at the Explosive  
8 Trace Detection (ETD) equipment."  
9 Do you see that?

10 A. [Examining.] Yes.

11 Q. Lane 4, did you work lane 4 from time  
12 to time?

13 A. Yes.

14 Q. Apparently on August 19th of 2003, it  
15 says she failed to receive a response from the  
16 ETD equipment before returning property to a  
17 passenger, which resulted in an alarm for TNT  
18 after the passenger retrieved his property and  
19 walked off in to the sterile area.

20 Do you see that?

21 A. [Examining.] Yes.

22 Q. To your knowledge, that had happened  
23 another time, hadn't it? Not necessarily for  
24 this particular employee. But there were  
25 screeners where somebody walked off after the

1 device activated. Right?

2 A. I don't remember.

3 Q. Never happened that you can remember?

4 A. It could have.

5 Q. You told me earlier that there was a  
6 time that it happened and somebody walked off.

7 MR. HELPER: That was this one.

8 Q. BY MR. GREEN: Was it this one?

9 A. Maybe.

10 Q. That's a pretty serious violation, yes?

11 A. Yes.

12 Q. Based on your training and experience,  
13 that might be a little more serious than yelling  
14 at an employee?

15 A. Yes.

16 Q. More serious, you think, than calling  
17 someone "a fucking haole"?

18 A. Yes.

19 Q. More serious than leaving bottles,  
20 water bottles, in an area or leaving dirt or  
21 something in your area?

22 A. Yes.

23 Q. More serious than maybe not wandering  
24 properly?

25 A. Yes.

1 Q. And then it says [Reading]:  
2 "You then failed to acknowledge the  
3 TNT alert on the ETD for a period of  
4 approximately fifteen minutes, and  
5 shortly thereafter, you again failed  
6 to properly screen a laptop computer  
7 with the ETD equipment."  
8 Sounds pretty serious, right?

9 A. [Examining.] Yes.

10 Q. Do you have any personal knowledge of  
11 this?

12 MR. HELPER: I'm not sure she knows  
13 what --

14 Q. BY MR. GREEN: Did it happen in front  
15 of you, what he's complaining about?

16 A. No.

17 Q. [Reading]:  
18 "You intentionally conducted improper  
19 screening procedures or allowed  
20 property to bypass required screening  
21 and your actions were recorded by  
22 cameras stationed at the checkpoint."  
23 Did I read that properly?

24 A. [Examining.] Yes.

25 Q. [Reading]:

1 "Your failure to follow TSA 'Standard  
2 Operating Procedures' compromised  
3 security at the checkpoint that  
4 resulted in a lockdown of the OGG  
5 airport for approximately an hour."

6 Do you see that?

7 A. [Examining.] Yes.

8 Q. Pretty serious stuff, would you agree?

9 A. Yes.

10 Q. Do you know if Ms. Tanner had had at  
11 least seventeen prior violations or complaints  
12 for violating procedures before she was fired for  
13 this lockdown at the airport?

14 A. I don't know.

15 Q. Do you know whether people on probation  
16 have a right to appeal or grieve procedures  
17 regarding their termination?

18 A. I don't know.

19 Q. Well, see, this letter is dated August  
20 21st, 2003 that I read you.

21 And if you look at paragraph two again,  
22 madam, you will see that the date is August 19th,  
23 2003, where in lane 4 she failed to follow TSA  
24 standard operating procedures at the explosive  
25 trace detection equipment. Do you see that?

1 A. [Examining.] Yes.

2 Q. Let's go to the next letter, which is  
3 November, 2002, about eight months before that.  
4 This is a three-day suspension. That's the  
5 subject. It's from Howard Tagamori to Bonnie  
6 Tanner. [Reading]:

7 "You are hereby notified you will  
8 be suspended for a period of three  
9 calendar days beginning on November  
10 18, 2002. You are to return to duty  
11 on November 21, 2002. The reasons  
12 for this suspension are:"

13 Did I read that correctly?

14 A. [Examining.] Yes.

15 Q. You were never suspended, you said.  
16 Right?

17 A. No.

18 Q. Never counseled other than the two  
19 times you've told me. Right?

20 A. Yes.

21 Q. Reason 1, this is for the three-day  
22 suspension -- Bonnie Tanner is a local girl,  
23 right?

24 A. Yes.

25 Q. [Reading]:

1 "On November 6, 2002, you were  
2 assigned to the Main Exit post and  
3 failed to stop a female, Sun-Ye Kao,  
4 from entering the stairwell and going  
5 into the sterile area."

6 You see that?

7 A. [Examining.] Yes.

8 Q. Tell me what that means.

9 A. She entered from a stairwell and went  
10 into the sterile area.

11 Q. "Sterile area"?

12 A. Yes.

13 Q. What is a sterile area?

14 A. Inside of the airport.

15 Q. This lady apparently walked through an  
16 exit post into the airport. Right?

17 A. Yes.

18 Q. I mean, if they don't get the woman,  
19 that could be grounds, if you know, for closing  
20 down the airport again. Right?

21 A. Yes.

22 Q. That's how people bring bombs into the  
23 airport. Right?

24 A. Yes.

25 Q. Guns, knives and things that could hurt

1 themselves and other people. Right?

2 A. Yes.

3 Q. Do you think that's pretty serious?

4 A. Yes.

5 Q. It appears she got a three-day  
6 suspension for that, yes?

7 A. Yes.

8 Q. You think that's more serious than not  
9 wandering properly?

10 A. Yes.

11 Q. You think that's more serious than  
12 snapping at a co-employee about their wages or  
13 what shift they should be working?

14 A. Yes.

15 Q. He says [Reading]:

16 "This breach was caught on camera  
17 and the dispatcher watched the female  
18 enter the area and notified Law  
19 Enforcement Officers, who stopped  
20 the individual as she exited."

21 Did I read that right?

22 A. [Examining.] Yes.

23 Q. [Reading]:

24 "When Ms. Kao was interviewed, she  
25 indicated that you were present,

1 sitting on a chair, at the Main Exit  
2 when she entered the stairwell."

3 Do you see that?

4 A. [Examining.] Yes.

5 Q. Do you know how long Ms. Tanner had  
6 been working at the airport as of November 13th,  
7 2002?

8 A. No.

9 Q. Do you know how long -- did I just ask  
10 that, how long she had been at TSA?

11 MR. HELPER: Yes.

12 Q. BY MR. GREEN: [Reading]:

13 "Your actions, as indicated above,  
14 were inappropriate and could have  
15 resulted in the evacuation of the  
16 terminal, if not for the cameras and  
17 dispatcher, and will not be tolerated.  
18 As a TSA screener, you are expected  
19 to be attentive to the areas of which  
20 you are responsible for at all times."  
21 You see that?

22 A. [Examining.] Yes.

23 Q. You would agree that it could have  
24 caused the evacuation of the airport. Right?

25 A. Yes.

1 Q. And it appears she was disciplined.  
2 Right?

3 A. Yes.

4 Q. She apparently missed three days of  
5 work for that, yes?

6 A. Yes.

7 Q. He says [Reading]:

8 "It is hoped that this suspension  
9 will serve to impress upon you the  
10 seriousness of your actions and that  
11 future discipline will not be  
12 necessary. However, be advised that  
13 your repetition of any future  
14 misconduct may lead to further and  
15 severe corrective action, up to  
16 and including, your removal from  
17 the TSA."

18 A. Do you see that?

19 A. [Examining.] Yes.

20 MR. HELPER: "More severe corrective  
21 action."

22 MR. GREEN: Thank you.

23 Q. BY MR. GREEN: I just want to turn all  
24 the way to where it has [Reading]:

25 "TSA Counseling Record. Supervisor

1 Name Patti Igarashi. Employee Name  
2 Bonnie Tanner. 11/6/02, 1713 hours.  
3 Reasons for counseling: Security  
4 breach Main Exit. Administrative  
5 supervision. Female entered Main  
6 Exit."

7 A. "Suspension."

8 Q. "Suspension." I'm sorry. [Reading]:  
9 "Administrative suspension. Female  
10 entered Main Exit."

11 Is that, if you know, something  
12 different or is that the same --

13 A. That's the same.

14 Q. -- event?

15 A. That's the same.

16 Q. So you were there, were you?

17 A. I was working.

18 Q. And when you found this out, you wrote  
19 her up, did you?

20 A. Yes.

21 Q. Remember writing up anyone else?

22 A. Yes.

23 Q. Who else did you write up?

24 A. I remember writing people up, but I  
25 don't remember exactly who.

1 Q. Never for using derogatory racial  
2 language, right? Never anybody up for that,  
3 right?

4 A. I don't remember.

5 Q. Well, you told me you didn't earlier.  
6 You remember? You've never written up a  
7 co-employee for using words like "fucking haole"  
8 or --

9 A. Oh, no.

10 Q. And that language, derogatory language  
11 racially, was used from time to time by other  
12 employees in your presence. Isn't that true?

13 A. Yes.

14 Q. We then have -- this is October 13th,  
15 about a month later, a TSA counseling record.  
16 Supervisor's name is Jason Thomas, yes?

17 A. [Examining.] Yes.

18 Q. And what was his relationship as far as  
19 his -- the work that he did at the airport  
20 regarding you?

21 In other words, were you lateral? Was  
22 he above you, below you?

23 A. Jason Thomas was part of the mobile  
24 screening force.

25 Q. Were you a supervisor of his?

1 A. No.

2 Q. Was he a supervisor of yours?

3 A. No.

4 Q. [Reading]:

5 "Using wrong ETD swab (test swab)."

6 Now, that's the stuff where people can  
7 bring bombs in. Right?

8 A. Yes.

9 Q. [Reading]:

10 "Supervisor Comments: Using test  
11 swab contaminates what is being  
12 ETD'd."

13 Read me what that says.

14 A. [Reading]:

15 "Using test swab contaminates what  
16 is being ETD'd."

17 Q. What's that mean?

18 MR. HELPER: Objection.

19 Calls for speculation.

20 Q. BY MR. GREEN: Don't you know what that  
21 means?

22 Do you have an opinion?

23 A. Yes.

24 Q. What does that mean?

25 A. There's a test swab to test the machine

1 and there's a regular swab to test the bags.

2 Q. "Using test swab contaminates what is  
3 being ETD'd," what does that mean?

4 A. She used the wrong swab.

5 Q. You have some training, I guess, before  
6 you do this swabbing test. Right?

7 A. Yes.

8 Q. So you would expect by October 13th,  
9 she would have had that training. Right?

10 MR. HELPER: Objection.

11 Calls for speculation?

12 Q. BY MR. GREEN: You would expect that,  
13 right, if she had been working there a few  
14 months?

15 A. Yes.

16 Q. [Reading]:

17 "Everyone should know the difference  
18 from swabs from initial training."

19 You see that?

20 A. [Examining.] Yes.

21 Q. Well, pretty serious offense, yes?

22 A. Yes.

23 Q. What we've got is this local girl  
24 Bonnie Tanner, she lets somebody go into a  
25 sterile area without stopping her. Now, a month

1 later, she's using the wrong swab test. Yes?

2 A. [Examining.] A month earlier.

3 Q. A month earlier, she's using the wrong  
4 swab test. Right?

5 A. Yes.

6 Q. Do you know if she got fired?

7 A. No.

8 Q. It says [Reading]:

9 "Employee Comments: My training  
10 did not cover the difference between  
11 the two swabs. Now I know about the  
12 difference, which is the" --

13 What does that say?

14 A. "Holes."

15 Q. [Reading]:

16 -- "which is the holes and the color  
17 of the container."

18 What does that mean, if you know?

19 A. The test swabs is a piece -- the ETD  
20 swabs are round, circular. It appears like --  
21 it's like -- it's like a napkin, but it's solid  
22 [Demonstrating.]

23 Q. I think I understand what you mean.

24 MS. HEVICON: A cleansing patch?

25 THE WITNESS: Yes, it's like that. But

1 it's paper thin. And in the center of the test  
2 swab, one of them has a dot, a tiny little  
3 pinhole dot. The other one has a circle. And  
4 the color of the container, there's a label. One  
5 is red and one is white.

6 Q. BY MR. GREEN: She used the wrong one?

7 A. Yes.

8 Q. Of course, by doing that, what could  
9 have occurred?

10 A. She could have contaminated the machine  
11 and it gave a reading of positive, explosives.

12 Q. And that, apparently, was the wrong  
13 reading?

14 A. Yes.

15 Q. Let's go back to the next one. This is  
16 November 11th, the next one.

17 No. Let's move on to February 11th,  
18 2003. You see that?

19 A. [Examining.] Yes.

20 Q. February 11th, "Transportation Security  
21 Administration, General Counseling Form."

22 You see that?

23 A. [Examining.] Yes.

24 Q. She's still a screener, and the name of  
25 the person on the counseling form is Bonnie

1 Tanner. [Reading]:

2 "OBSERVATIONS, Date and  
3 Circumstances. 1648 hours" --

4 What does that say?

5 MS. HEVICON: I think it's repetitive.

6 Q. [Reading]:

7 "Shows a lack of skills in areas of  
8 wandering."

9 Did I read that right?

10 A. [Examining.] "Repetitively."

11 Q. Thank you.

12 Does that at least seem to you, based  
13 on your training, that this woman on more than  
14 one time didn't seem to demonstrate skills  
15 necessary at wandering?

16 MR. HELPER: Objection.

17 Lack of foundation.

18 Q. BY MR. GREEN: Does it appear that way  
19 to you?

20 A. No, it doesn't.

21 Q. [Reading]:

22 "Repetitively shows a lack of skills  
23 in areas of wandering. Consistently  
24 requested that lead..."

25 A. [Examining.] "Send."

1 Q. "Send a female"?

2 A. [Reading]:

3 "... to wandering area when male  
4 wanderer wasn't busy and should  
5 have been utilized to watch the  
6 walk-through metal detector while  
7 she wanded females."

8 Q. What does that all mean?

9 A. Bonnie didn't want to wand, so she  
10 asked the lead; and what they do is they have to  
11 swap off positions. So that female came in to do  
12 the wandering, and she went out to stand by the  
13 metal detector.

14 Q. Was she allowed to ask?

15 A. She asked for the lead. She requested  
16 the lead.

17 Q. Was that proper procedure?

18 A. Yes.

19 Q. The lead can decide whether or not  
20 they're going to wand or someone else can wand?

21 A. Yes.

22 Q. [Reading]:

23 "Since 48 hours she has" --

24 A. [Examining.] "1448."

25 Q. What did I say?

1 Q. [Reading]:

2 "Since 1448 hours she has shown no  
3 initiative in every area, as expressed  
4 by 0830 and 0500 screens and leads."

5 Do you have some understanding what  
6 that reference is, "shown no initiative in every  
7 area"?

8 MR. HELPER: Objection.

9 Lacks foundation.

10 Q. BY MR. GREEN: You can answer.

11 A. She was having a problem through the  
12 morning because these are the different shifts.  
13 Five o'clock was one shift. Eight-thirty was  
14 another. And, apparently, since 1448 she did not  
15 show initiative in any area.

16 Q. What does that mean, if you know?

17 A. It means she just didn't want to do any  
18 of the rotation.

19 Q. She just didn't want to do her job?

20 A. Yes.

21 Q. [Reading]:

22 She is not able to perform duties  
23 without training. She is, therefore, kept off of  
24 key positions as X-ray and loading.

25 Q. [Reading]:

1 "While her customer service skills  
2 she lacks rapport with" --

3 Is that "teammates"?

4 A. [Examining.] "Teammates."

5 Q. [Reading]:

6 -- "and civil rapport."

7 Did I read that correctly?

8 A. Yeah.

9 Q. I mean, that kind of conduct shouldn't  
10 be tolerated. Correct?

11 MR. HELPER: Objection.

12 Lack of foundation.

13 Q. BY MR. GREEN: I mean, that's not  
14 supposed to happen. Right?

15 MR. HELPER: Objection.

16 Lacks foundation.

17 Q. BY MR. GREEN: Go ahead. Is that  
18 right?

19 MR. HELPER: And vague.

20 Q. BY MR. GREEN: Let me put it this way.  
21 Strike the question.

22 This is a violation of procedure, is it  
23 not, at the airport?

24 A. This counseling form?

25 Q. Yeah, complaining about what she did,

1 she's violating procedure at the airport?

2 A. This wasn't a violation.

3 Q. What would you call it, not wanting to  
4 do what she was supposed to do in the rotation?  
5 What would you call that?

6 A. Being insubordinate.

7 Q. Okay. To her supervisors, right?

8 A. Yes.

9 Q. We're not done with her yet. Let's  
10 look at the next one, which is February 28th,  
11 '03.

12 You told me that she had been  
13 insubordinate or she had not shown up for work  
14 from time to time.

15 A. I'm sorry?

16 Q. February 21st, '03 incident report --  
17 I mean, it appears monthly we have --

18 A. 21st?

19 Q. Yes. It appears so far monthly we have  
20 write-ups on this woman Bonnie Tanner so far,  
21 yes? It seems like it's monthly, right?

22 A. Yes.

23 Q. February 21sts, '03, 1500, the manager  
24 is Patrick Collins.

25 You remember Patrick, right?

1 A. Yes.

2 Q. You mentioned that he used the word  
3 "fucking Jap" at Wackenhut.

4 Did he use that term at TSA also that  
5 you could hear --

6 A. No.

7 Q. -- from time to time?

8 A. No.

9 Q. Only "fucking haole"?

10 A. Yes.

11 Q. The type of incident, "Remedial  
12 training of screener." [Reading]:

13 "On Thursday, February 20, after  
14 observing screener Bonnie Tanner  
15 wand a passenger, screening manager  
16 Patrick Collins asked me, screening  
17 supervisor Angela Williams, to see  
18 that she received instruction to  
19 correct poor technique."

20 You see that?

21 A. [Examining.] Yes.

22 Q. Has it been your experience that when  
23 screeners wand improperly or they're doing  
24 something incorrectly, at least the TSA  
25 supervisors would try to give them some special

1 help so they could get it right?

2 A. Yes.

3 Q. I mean, it wasn't just grounds to fire  
4 someone. Right?

5 A. Right.

6 Q. They wanted to make sure that the  
7 public was, apparently, safeguarded and they did  
8 their job right. Yes?

9 MR. HELPER: Objection.

10 Lacks foundation.

11 Q. BY MR. GREEN: That's your  
12 understanding, right?

13 MR. HELPER: Same objection.

14 Q. BY MR. GREEN: Answer the question.

15 A. [No audible response.]

16 MR. GREEN: Read her the question.

17 (Record read by the reporter.)

18 THE WITNESS: Yes.

19 Q. BY MR. GREEN: [Reading]:

20 "Specifically clearing waist,  
21 letting pax..."

22 A. [Examining.] "Clearing waist."

23 Q. Read the whole thing.

24 A. [Reading]:

25 "Specifically clearing waist,

1                   letting pax lower arm sooner and  
2                   clearing from waist to knees."

3           Q.     And that's a method of wanding, is it?

4           A.     Yes.

5           Q.     This manager says [Reading]:

6                   "I advised Bonnie that she was to  
7                   shadow screener Cindy Garcia and  
8                   observe her technique. Bonnie was  
9                   teamed with Cindy under lead Karin..."

10          A.     [Examining.] "Phaneuf."

11          Q.     "Phaneuf." Read the rest of it.

12          You're better at reading it than I am.

13          A.     [Reading]:

14                   "It was an extremely busy afternoon.  
15                   At approximately 1530, lead screener  
16                   Karin Phaneuf advised me and supervisor  
17                   Davelyn Gordon that Bonnie had not  
18                   been receptive to instruction, also  
19                   that she had been somewhat  
20                   uncooperative regarding lane rotation  
21                   and task assignment. I spoke to Bonnie  
22                   and she told me she did not know what  
23                   she was doing wrong. I advised her  
24                   the 3 points that needed correction,  
25                   clearing waistband, pax lowering arms

1                   sooner and clearing waist."

2           Q.    If if we just drop down --

3                   MR. HELPER:  I think it continues to  
4   the next page.

5           Q.    BY MR. GREEN:  The next page.  If you  
6   drop down on the next page, continue on page 2  
7   [Reading]:

8                   "I advised her to use this as  
9                   an opportunity to strengthen her  
10                  skills and avoid disciplinary  
11                  action.  I also advised her she  
12                  was bordering on insubordinate  
13                  behavior by questioning Karin  
14                  Phaneuf's directions."

15                  Did I read that correctly?

16           A.    [Examining.] Yes.

17           Q.    Let's go ahead to 3/5 --  I'm sorry.  
18   To April 9th, 2003.  This is from you.  April  
19   9th, 2003.

20                  Is that your signature?

21           A.    [Examining.] Yes.

22           Q.    [Reading]:

23                  "Bonnie Tanner was called into the  
24                  office to address our safety concerns  
25                  with her wearing a jade bangle bracelet

1 on her left wrist."

2 Why was that a concern?

3 A. It could get stuck in the equipment.

4 Q. She was trained, I assume, if you know,  
5 not to have that kind of jewelry when she was  
6 working?

7 A. No.

8 Q. [Reading]:

9 "I am not a certified jeweler,  
10 however, from my past experience,  
11 I know how to remove or assist a  
12 person in removing their bracelets."  
13 Did I read that correctly?

14 A. [Examining.] Yes.

15 Q. Apparently, you offered to remove the  
16 bracelet for her, and she says it's not going to  
17 come off. "I tried everything."

18 You offered to help her?

19 A. Yes.

20 Q. Did you get the bracelet off?

21 A. Yes.

22 Q. You then at the bottom said [Reading]:  
23 "I reminded her that this policy  
24 was being enforced for any screener  
25 who is wearing any other item on

1                   their wrists, with the exception of  
2                   wristwatches."

3                   You see that?

4                   A.    [Examining.] Yes.

5                   Q.    So far I have not seen any suspensions  
6                   other than when they had to close down the  
7                   airport. Would you agree?

8                   A.    Yes.

9                   Q.    She seems to be counseled a lot,  
10                  though, doesn't she?

11                  A.    Yes.

12                  Q.    Turn to the page "Transportation  
13                  Security Administration, Kahului International  
14                  Airport." This is dated -- "General Counseling  
15                  Form."

16                  A.    [Examining.] 5/1.

17                  Q.    Bonnie Tanner again, screener?

18                  MR. HELPER: Hang on a second,  
19                  counsel. I see a 4/25 -- I got it.

20                  THE WITNESS: The date of the  
21                  counseling.

22                  Q.    BY MR. GREEN: [Reading]:

23                        >Date and Circumstances:

24                        4/25/03. Penny Miller and Bonnie  
25                        Tanner on deck of main checkpoint

1 (Lane 4) debating incident which  
2 occurred between them earlier that  
3 day. Essentially both screeners  
4 were speaking in an inappropriate  
5 volume of voice (i.e. Verbal  
6 altercation) while on checkpoint  
7 floor during passenger flow.  
8 Manager, Patrick Collins, stepped  
9 in and diffused the situation."

10 Do you see that?

11 A. [Examining.] Yes.

12 Q. I'm just assuming that airport  
13 employees at the airport are not supposed to be  
14 having a verbal altercation in front of  
15 passengers. Right?

16 A. Yes.

17 Q. Another counseling [Reading]:  
18 "Screeners Tanner and Miller were  
19 advised that under no circumstances  
20 is this type of behavior (i.e. Loud  
21 talking, finger pointing, escalated  
22 tempers, arguing) permitted/appropriate  
23 while in uniform and while on  
24 checkpoint floor."  
25 That was a ruling or regulation,

1 right?

2 MR. HELPER: Objection.

3 Lacks foundation.

4 Q. BY MR. GREEN: Is that a rule or  
5 regulation, as you knew it to be; she shouldn't  
6 be doing that?

7 A. I don't think it is a rule or  
8 regulation, but they shouldn't be doing that  
9 while working on the checkpoint floor.

10 Q. Just common sense, I take it. Right?

11 A. Yes.

12 Q. When we talk about raising voices and  
13 pointing fingers, how would you compare that to  
14 using the word "fucking haole," just in your  
15 opinion?

16 If you were the supervisor and heard  
17 these people pointing fingers and yelling at each  
18 other as opposed to another employee referring to  
19 passengers as "fucking haole," how would you  
20 equate the two violations.

21 MR. HELPER: Objection.

22 Assumes facts not in evidence and is  
23 irrelevant.

24 Q. BY MR. GREEN: Is one more serious than  
25 another, in your opinion?

1 A. Both are not right.

2 Q. Is one more serious than the other?

3 A. I don't know.

4 Q. Let's turn to April 25th, '03.

5 A. [Examining.] That's the same one.

6 Q. Okay. This is April 25th. This is a  
7 little bit more complete. The checkpoint  
8 supervisor is Dave Lynn. He says [Reading]:

9 "I was tending the metal detector  
10 and Bonnie was tending baggage" --

11 A. This goes with the counseling.

12 Q. This is a little bit more complete.

13 [Reading]:

14 "I was tending the metal detector  
15 and Bonnie was tending baggage" --  
16 Are you paying attention?

17 A. Yes.

18 Q. Okay. Good. [Reading]:

19 -- "Bonnie was tending baggage  
20 loading into X-ray. She had called  
21 out an L-1 once."

22 What does that mean?

23 A. L-1.

24 Q. What does that mean?

25 A. Lane 1.

1 Q. [Reading]:

2 "I reiterated L-1 to confirm. She  
3 yelled back obviously agitated 'I  
4 said L1.' That was the beginning.  
5 A couple of passengers down the line  
6 came an individual making their second  
7 trip through the checkpoint for an  
8 unauthorized item. She called out" --  
9 Can you read what that?

10 A. [Examining.] "Secondary screening."

11 Q. [Reading]:

12 "As the individual started into  
13 the metal detector she yelled out  
14 'L-1,' so I sent him into wandling.  
15 I entered the" --  
16 What is that word?

17 A. [Examining.] Metal detector, "M.D."

18 Q. [Reding]:

19 -- "and asked her 'L-1, right?'  
20 This upset her."

21 Let's look at the next one for  
22 Ms. Tanner. This is on -- which date is this?  
23 This is May 7th. Turn to May 7th.

24 A. [Examining.] This is the continuation  
25 of that [Indicating.]

1 MR. HELPER: Wait a second.

2 Q. BY MR. GREEN: Just part of it.

3 MR. HELPER: Wait for question.

4 Q. BY MR. GREEN: Turn to May 7th.

5 There's another one for Bonnie Tanner.

6 [Reading]:

7 "Observations: 5/7/2003 at  
8 approximately 1515 while working  
9 WTMD" --

10 What is that?

11 A. Walk-through metal detector.

12 Q. [Reading]:

13 -- "failure to adhere to proper  
14 screening procedure."

15 Do you see that?

16 A. [Examining.] Yes.

17 Q. Am I reading that correctly?

18 A. Yes.

19 Q. How many times, if you know, are people  
20 to be counseled on knowing how to wand people  
21 before they are suspended or terminated, if you  
22 know?

23 A. I don't know.

24 Q. Remember I asked you earlier whether  
25 you thought various white Mainland employees were

1 treated differently than local employees as far  
2 as termination, suspension or other rules or  
3 infractions? Remember when I asked you earlier?

4 A. I think so.

5 Q. You didn't think that occurred, right?

6 A. What didn't occur?

7 Q. That the white males from the Mainland  
8 were treated differently as far as how they were  
9 counseled or treated for violation of rules and  
10 regs.

11 A. No.

12 Q. You're unaware of any difference,  
13 right?

14 A. Yes.

15 Q. [Reading]:

16 "Screener, Bonnie Tanner, was working  
17 at the walk-through on lane 1 and was  
18 notified by the loader on that lane  
19 that a female passenger had a pacemaker  
20 device. Screener, Bonnie Tanner,  
21 neglected to make a positive hand off  
22 (i.e. Notify wander) that passenger  
23 required pat down method of screening  
24 versus wandling due to medical  
25 condition. Subsequently, wandling

1 procedure was started on passenger  
2 (back side of passenger wanted not  
3 front side of passenger)."

4 Did I read that correctly?

5 A. [Examining.] Yes.

6 Q. You see, now, eventually, even though  
7 these may be a little bit out of line, it appears  
8 that Ms. Tanner was, I think, counseled about  
9 seventeen times before she was finally terminated  
10 for the airport being closed down on or about  
11 August 19th, 2003. Do you see that?

12 A. Yes.

13 MR. HELPER: Objection.

14 Lacks foundation, assumes facts not in  
15 evidence.

16 Move to strike.

17 MR. GREEN: Mark this as next, please.

18 (Plaintiffs' Exhibit 3 was  
19 marked for identification.)

20 (Recess taken.)

21 MR. HELPER: I want to put something on  
22 the record here.

23 What I'd like to do, in talking with  
24 the witness, she does have child-care issues  
25 right now. What I'd like to do is go to two-

1 thirty, a half hour.

2 MR. GREEN: Fine. Kids are more  
3 important.

4 MR. HELPER: If you get to a good break  
5 point where you're --

6 MR. GREEN: I can make it to  
7 two-thirty.

8 I've asked the deponent to set aside  
9 the last exhibit I gave her.

10 Would you mark this.

11 (Plaintiffs' Exhibit 4 was  
12 marked for identification.)

13 Q. BY MR. GREEN: This is a sworn  
14 affidavit from a woman named Lizabeth Masuda that  
15 was sworn on August 25th, '03.

16 Do you know who she is?

17 A. Yes.

18 Q. Who is she?

19 A. She was a lead screener.

20 Q. And that means what?

21 A. She's underneath the supervisors.

22 Q. Was she underneath you?

23 A. Yes.

24 Q. And you worked with her how often  
25 during your employment?

1           A.    Not very long because I was on night  
2 shift and she was on days.

3           Q.    She's a local lady?

4           A.    Yes.

5           Q.    Born and raised on Maui or Hawaii?

6           A.    Yeah.

7           Q.    She says that her name is Lizabeth  
8 Masuda and she's a female of Japanese/Hawaiian  
9 descent, born August 22nd, '56, U.S. citizen, was  
10 employed as a lead screener at the Transportation  
11 Security Administration at Kahului Airport from  
12 September 29th, 2002 to July, 2003.

13                   She says -- of course, you know Lucas  
14 Bruno. Right?

15           A.    Yes.

16           Q.    [Reading]:

17                   "When Lucas Bruno first began work  
18 at the airport, I was his lead  
19 screener."

20                   Is that accurate?

21           A.    Yes.

22           Q.    [Reading]:

23                   "I did the initial tracking of his  
24 training to prep him for testing.  
25 I did write Mr. Bruno up several

1 times, but I do believe he was  
2 trainable."

3 Did you believe Mr. Bruno was  
4 trainable?

5 A. I wasn't in the beginning training.

6 Q. At any time, did you form an opinion as  
7 to whether you thought he was trainable?

8 A. I thought we needed to work with him.

9 Q. She says [Reading]:  
10 "However, on many occasions I was  
11 told by Ms. Patti Igarashi, a  
12 screening manager, to write  
13 Mr. Bruno up. When I wrote up  
14 Mr. Bruno, it was because I saw  
15 him do something that was not  
16 standard operating procedure.  
17 When Patti Igarashi instructed me  
18 to write up Mr. Bruno, she had no  
19 specific reason for writing him up.  
20 She clearly did not like Mr. Bruno."  
21 Did I read that correctly?

22 A. [Examining.] Yes.

23 Q. Of course, you said you didn't like  
24 Mr. Bruno.

25 A. I didn't say that.

1 Q. Did you like Mr. Bruno?

2 A. I didn't know Lucas Bruno.

3 Q. Did you ever tell Ms. Masuda to write  
4 him up?

5 A. Yes.

6 Q. For what?

7 A. Not screening properly.

8 Q. So you worked with him from time to  
9 time?

10 A. No. I worked on the shift.

11 Q. How do you know he was not screening  
12 properly?

13 A. I was standing at the checkpoint  
14 watching.

15 Q. So there were times that you worked at  
16 the checkpoint with him?

17 A. Yes.

18 Q. How many times would you say that was?

19 A. I couldn't say.

20 Q. More than a dozen?

21 A. Yes.

22 Q. Nor than two dozen?

23 A. No.

24 Q. Did you like him or not like him or  
25 have no opinion?

1 A. I had no opinion.

2 Q. She then says [Reading]:

3 "On one occasion when Ms. Igarashi  
4 demanded that I write up Mr. Bruno,  
5 she stated that I needed to learn  
6 that it was brown for brown or white  
7 for white, and that I would find  
8 myself on lane 5 if I didn't make the  
9 right choice."

10 Did you say that?

11 A. No.

12 Q. Have you ever used "brown for brown,"  
13 that terminology?

14 A. No.

15 Q. "White for white"?

16 A. No.

17 Q. What's lane 5?

18 A. Lane 5 is the departure gate as you're  
19 coming out of the airport.

20 Q. It's kind of like being exiled, right,  
21 being moved away from --

22 A. No. It's harder work all by yourself.

23 Q. [Reading]:

24 "There was no lane 5 at the  
25 airport, and this phrase was

1                   understood to refer to being  
2                   terminated."

3                   Was that your understanding of what  
4           "lane 5" meant?

5           A.     No.

6           Q.     Did you ever tell someone they'd end up  
7           in lane 5?

8           A.     No.

9           Q.     [Reading]:  
10                   "Whenever Patti demanded that I write  
11                   someone up, it was always a white male  
12                   screener."

13                   Did you ever ask any employee to write  
14           up a local person?

15          A.     Yes.

16          Q.     Who?

17          A.     I don't know exactly who.

18          Q.     Can you think of any local person?

19          A.     Kristi Joslin.

20          Q.     She's a local person?

21          A.     Yes.

22          Q.     Was she raised on Maui or did she come  
23           from the Mainland?

24          A.     She was raised on Maui.

25          Q.     [Reading]:

1 "Whenever Patti demanded that I  
2 write someone up, it was always a  
3 white male. She would say things  
4 such as 'I want them out.'"

5 Did you say things like that to

6 Ms. Masuda?

7 A. No.

8 Q. [Reading]:

9 "There was never a single instance  
10 when Patti would tell me to keep an  
11 eye on or write up a non-Caucasian."

12 Did you ever ask her to write up a non-  
13 Caucasian?

14 A. I don't know.

15 Q. [Reading]: "I don't remember the  
16 specific date" --

17 This is number 4.

18 -- "but it was the first date that  
19 the airport was federalized.

20 Ms. Patti Igarashi gave a briefing  
21 to the crew."

22 Did you do that?

23 A. Yes.

24 Q. [Reading]:

25 "Ms. Igarashi stated there were

1 too many whites."

2 Did you say that to Ms. Masuda?

3 A. No.

4 Q. [Reading]:

5 "She further stated that local people  
6 needed to provide for their families,  
7 and we have outsiders taking these  
8 jobs away."

9 Did you say that?

10 A. No.

11 Q. Remember I suggested or asked you  
12 earlier, "Did you say or ask are the fucking  
13 haoles going to take our jobs?"

14 A. I don't remember.

15 Q. You don't remember whether you said  
16 that?

17 A. I didn't say "taking jobs away."

18 Q. Did you say anything about "No fucking  
19 haoles are going to be at this airport"?

20 A. No.

21 Q. Did you ever say that --

22 MR. HELPER: So the record is clear,  
23 you're saying "I don't remember" to whether he  
24 asked you that before?

25 THE WITNESS: Right.

1 Q. BY MR. GREEN: [Reading]:

2 "I consistently heard Patti Igarashi  
3 make negative comments about  
4 non-locals, calling them stupid,  
5 accusing them of taking jobs away,  
6 and referring to them as haoles."  
7 Did you call white people stupid?

8 A. No.

9 Q. Number 5 [Reading]:

10 "I also heard Patti make comments  
11 to Pat Collins when they had  
12 disagreements. She stated 'just  
13 remember who got you this job, haole,  
14 if it weren't for me getting you this  
15 job you'd have to go back to the  
16 mainland.'"  
17 Did you get Pat Collins his job?

18 A. No.

19 Q. Did you recommend him for his  
20 employment?

21 A. Yes.

22 Q. To who?

23 A. Lowrey Leong.

24 Q. And he was at Wackenhut at the time?

25 A. Yes.

1 Q. Let's go back to -- this is the last  
2 area before we leave for the day.

3 I asked you just to put it in some  
4 reference, Ms. Igarashi, as to whether or not you  
5 thought that white male employees were treated  
6 differently as far as sanctions they received, as  
7 far as how they were treated if they violated  
8 rules or regulations. Remember I said that to  
9 you?

10 A. Yes.

11 Q. You said you didn't know anything about  
12 that. Right?

13 A. Yes.

14 Q. Look back at the exhibit I gave you,  
15 the termination letter of October 25th, 2002, to  
16 Christopher Gahr from Howard Tagamori.

17 For your edification, Mr. Gahr worked  
18 at the airport for about -- Christopher Gahr  
19 arrived at the airport on October 13th, 2002. He  
20 was terminated twelve days later. Did you know  
21 that?

22 A. No.

23 Q. Well, let's see why he was terminated.  
24 This is from Howard Tagamori.

25 What was his position at the airport.

1 Assistant federal security director?

2 A. Yes.

3 Q. [Reading]:

4 "Discharge during probationary  
5 period."

6 And let me just take you back to all of  
7 the write-ups we had for Bonnie Tanner during her  
8 probationary period. Remember those?

9 A. Yes.

10 Q. He says, Mr. Tagamori, to Mr. Gahr

11 [Reading]:

12 "On March 31, 2002, you were given  
13 a conditional appointment to the  
14 excepted service with the  
15 Transportation Security Administration  
16 as a Supervisory Transportation  
17 Security Screener. All new hires  
18 must complete a one-year probationary  
19 period. Employees may be terminated  
20 during their probationary period for  
21 unacceptable performance or for  
22 conduct issues."

23 You see that?

24 A. [Examining.] Yes.

25 Q. Same thing as Ms. Tanner, right, during

1 the probationary period?

2 A. Yes.

3 Q. Same rules should apply to her as this  
4 white male Mr. Gahr. Right?

5 MR. HELPER: Objection.

6 Lacks foundation.

7 THE WITNESS: Yes.

8 Q. BY MR. GREEN: [Reading]:

9 "On October 17, 2002, specifically,  
10 you were the assigned shift supervisory  
11 for the evening shift. You were  
12 instructed to calibrate the ETD  
13 machine, lock all ETD cabinets, place  
14 keys in metal box in file cabinet, put  
15 away all checkpoint equipment, and log  
16 all lost and found items at the end of  
17 your shift."

18 Did I read that correctly?

19 A. [Examining.] Yes.

20 Q. [Reading]:

21 "Upon opening the checkpoint on  
22 October 18, 2002, it was discovered  
23 that all ETD cabinets were not locked,  
24 keys had not been put away, checkpoint  
25 equipment was lying on chairs and

1 scattered about the wandering area.  
2 Further, all checkpoint radios were  
3 left on all night. Therefore, the  
4 radios were either not functioning  
5 or indicated that the batteries  
6 needed to be replaced."

7 Did I read that right?

8 A. [Examining.] Yes.

9 Q. Sounds like at least in some of these  
10 radios, the batteries had worn down. Right?

11 A. Yes.

12 Q. Because this guy, I guess, left them on  
13 all night. Right?

14 A. Yes.

15 Q. Just based on your training and  
16 experience and looking at the rules and  
17 regulations, would you equate this conduct the  
18 same way as an employee allowing someone to walk  
19 into the sterile area in the airport?

20 A. No.

21 MR. HELPER: Objection.

22 Lacks foundation.

23 Move to strike.

24 Q. BY MR. GREEN: [Reading]:

25 "This included the WASI radio used

1 to maintain communication with plane  
2 side screening."

3 You see that?

4 A. [Examining.] Yes.

5 Q. Sounds like someone should be counseled  
6 for this kind of conduct, doesn't it?

7 MR. HELPER: Objection.

8 Lacks foundation.

9 Q. BY MR. GREEN: Do you believe, based on  
10 your training and experience, that people should  
11 be counseled for this kind of stuff?

12 A. He should have locked the ETD cabinets.

13 Q. Right. And when he didn't, he should  
14 be counseled and at least told what he did wrong,  
15 right?

16 A. Yes.

17 Q. [Reading]:

18 "Also, on October 17, 2002" --

19 The same day.

20 -- "a screener, under your supervision,  
21 was observed performing her duties with  
22 a bandaged left hand."

23 Do you see that?

24 A. [Examining.] Yes.

25 Q. That's pretty tough stuff, isn't it?

1 I mean, is that the kind of conduct  
2 that someone should get fired for, in your  
3 opinion?

4 MR. HELPER: Objection.  
5 Lacks foundation.

6 Q. BY MR. GREEN: Answer the question.

7 A. The bandaged left hand?

8 Q. Yeah. That's what it says, she was  
9 performing duties with a bandaged left hand. Do  
10 you see that?

11 A. [Examining.] Yes.

12 Q. [Reading]:

13 "Upon inquiring, it was discovered  
14 that the screener had two dislocated  
15 fingers. Mr. Carvalho relieved her  
16 of her post, has the bandage, splint  
17 and medical tape did not allow for  
18 movement or dexterity. Mr. Carvalho  
19 instructed her to supply medical  
20 certification upon full use of both  
21 hands. You challenged this decision,  
22 insisting that the bandage, splints,  
23 and medical tape could be removed.  
24 Mr. Carvalho explained that a screener  
25 using one hand was unacceptable and

1                   should have been corrected by the  
2                   supervisor."

3                   You see that?

4                   A.    [Examining.] Yes.

5                   Q.    You remember when we talked about  
6                   Ms. Tanner, she was someone that was screening  
7                   improperly, right?

8                   A.    Yes.

9                   Q.    She was someone who refused to screen  
10                  from time to time, right?

11                  A.    Yes.

12                  Q.    Someone who just didn't come to work  
13                  sometimes, yes?

14                  A.    Yes.

15                  Q.    [Reading]:

16                        "Mr. Carvalho further explained the  
17                        issues on public perception, mobility  
18                        and dexterity."

19                  You see that?

20                  A.    [Examining.] Yes.

21                  Q.    Would you believe that yelling at a  
22                  co-employee in front of other employees gives a  
23                  bad public perception?

24                  A.    Yes.

25                  Q.    Pointing fingers and yelling, bad

1 public perception?

2 A. Yes.

3 Q. [Reading]:

4 "You disagreed, becoming challenging  
5 and insubordinate."

6 Do you see that?

7 A. [Examining.] Yes.

8 Q. You remember that note from him to  
9 Ms. Tanner that her conduct was bordering on the  
10 insubordinate? I read it to you. Remember  
11 that?

12 A. Yeah.

13 Q. Now, two days later [Reading]:

14 "On October 19 and 20, 2002, you  
15 again failed to follow procedures  
16 and direction by not properly  
17 calibrating ETD machine and not  
18 placing keys in appropriate place  
19 as directed."

20 You see that?

21 A. [Examining.] Yes.

22 Q. [Reading]:

23 "Your conduct, as described above,  
24 is unacceptable and will not be  
25 tolerated. Therefore, it is my

1 decision to separate you from your  
2 position at the TSA effective the  
3 close of business on the day you  
4 receive this notice."

5 You see that?

6 A. [Examining.] Yes.

7 Q. You still think there wasn't disparate  
8 treatment between white males and local people,  
9 madam?

10 MR. HELPER: Objection.

11 Lacks foundation.

12 Q. BY MR. GREEN: You still believe it?  
13 Yes or no.

14 A. [No audible response.]

15 MR. GREEN: The record should show she  
16 hasn't answered.

17 THE WITNESS: Say it again.

18 Q. BY MR. GREEN: You still believe there  
19 was not disparate treatment between white males  
20 working at the TSA and local people?

21 MR. HELPER: Objection.

22 Lacks foundation.

23 Q. BY MR. GREEN: Go ahead.

24 A. Bonnie is a screener. Chris Gahr is a  
25 supervisor.

1 Q. So that would be okay?

2 A. No. The supervisors have more  
3 responsibility.

4 Q. I've read to you the violations they  
5 sent to him and he got terminated for. Right?

6 A. I don't know about the instances.

7 Q. I just read them to you.

8 MR. HELPER: Counsel, let her finish.

9 Q. BY MR. GREEN: Go ahead.

10 A. The supervisors have more  
11 responsibilities.

12 Q. Do supervisors ever get counseled?

13 A. Yes.

14 Q. Do they ever get suspended if they need  
15 to be suspended?

16 A. I don't know if they are.

17 Q. Do you know if he was ever counseled  
18 before short of being terminated?

19 A. I don't know.

20 Q. Do you know if he was ever told of a  
21 single violation before he was terminated?

22 A. I don't know.

23 Q. Does it appear to you that he was  
24 treated differently from Bonnie Tanner?

25 A. Yes.

1                   MR. GREEN: All right. You can go see  
2                   your children.

3                   THE WITNESS: Thank you.

4                   (The deposition was adjourned at 2:10 p.m.)

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